Becoming a Contender

Legitimacy, Authority and the Power of Making Do

in Nepal's Permanent Transition

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von

Sarah Louise Byrne

aus

Irland

Promotionskomitee

Prof. Dr. Benedikt Korf, Leiter der Dissertation und Vorsitz

Prof. Dr. Ulrike Müller-Böker

Prof. Dr. Andrea Nightingale

Dr. Bishnu Upreti

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An undertaking such as this one does not really have a fixed beginning or end point. The pages you are reading represent parts of on-going conversations and relationships, rendered textual. Many of these, I hope and expect, will continue long after the written form of this project is finalised. I would like to acknowledge several conversations and relationships that have contributed significantly along the way.

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Abstract

This thesis is about the production of authority - the messy political work of contestation, negotiation and compromise, with always contingent outcomes. The analysis is empirically grounded in Nepal's mid-Western hills and is based on ethnographic research methods. The thesis asks how the authority to govern is established and maintained in a political context marked by both significant continuity and change and how particular actors create the conditions that allow them the possibility to control resources. Specifically, the thesis explores the micro-political dynamics of negotiations over the use and distribution of local public resources (forest resources and local government budgets) in a context in which local governance authority is contested not only in the frame of post-war "transition" but through iterations of transitional governance arrangements going back several decades.

The thesis argues that in order to understand the production of authority, we should look to processes of legitimation, both of authority claimants themselves and of institutions and processes through which decisions are made. Authority emerges from contestations over legitimacy, a processes in which the employment of repertoires of legitimation make it possible to become a decision-maker. In other words, legitimacy is empowering. However, the authority constituted through these processes requires constant renewal, thus the repertoires have to be continuously reproduced and updated or adapted. This implies both building consensus on the basis of legitimacy and successfully elaborating claims in those terms. In this process, "making do" is an important skill for authority claimants.

Not only are repertoires of legitimation constantly being developed and adapted, the processes and institutions through which decisions are taken are themselves in a constant process of establishing themselves. Thus the legitimations of both authority claimants and decision-making processes/institutions are engaged in a mutual constitution that produces forms of governance. However, the nature of governance thus produced is unclear: legitimations can both reinforce and challenging existing patterns of rule, can either prop up or overturn existing orders. This mediating role is part of what makes legitimation such a significant social and political process, and so relevant a subject of study.

In conclusion, the thesis suggests that while the preponderance of the “post-war transition" label suggests a period of exceptionality, putting this in context paints quite a different picture. Continuity and change are not mutually exclusive experiences, but rather are deeply interconnected. This is captured by the notion of “permanent transition” (Wydra, 2000), which highlights how repeated and continued transition is part of on-going political, social and economic processes in contexts like Nepal. Furthermore, when it comes to the very fundamental questions of access to resources, there is remarkable consistency.

Zusammenfassung

Diese Dissertation dreht sich um die Produktion von Autorität – jener chaotischen politischen Arbeit von Anfechtung, Aushandlung und Kompromiss, mit immer ungewissem Ausgang. Die Analyse gründet empirisch in den Hügeln von Nepals mittlerem Westen und basiert auf ethnographischen Erhebungsmethoden. Die Dissertation geht der Frage nach, wie Autorität zu regieren hergestellt und erhalten wird, in einem politischen Kontext, der sowohl von signifikanter Kontinuität als auch von Veränderung geprägt ist. Und wie bestimmte AkteurInnen jene Umstände herbeiführen, die ihnen die Möglichkeiten bieten Resources zu kontrollieren. Namentlich untersucht die Dissertation die mikro-politischen Dynamiken der Aushandlung von Nutzung und Verteilung lokaler öffentlicher Ressourcen (Wäldern und Budgets lokaler Regierungen), in einem Kontext, in dem lokale Regierungsautoritäten nicht nur im Rahmen einer Nachkriegs-Transition angefochten werden, sondern auch durch Wiederholung “transnationaler“ Regierungsarrangements, deren Ursprünge bereits Jahrzehnte zurück liegen.

Um die Produktion von Autorität zu verstehen, so die These dieser Dissertation, sollten Prozesse der Legitimierung betrachtet werden, sowohl in Bezug auf jene, die Autorität für sich beanspruchen, als auch auf Institutionen und Prozesse, mittels derer Entscheidungen getroffen werden. Autorität entsteht durch Anfechtung von Legitimität, einem Prozess, in dessen Verlauf es der Einsatz von Repertoires der Legitimation erlaubt zum/zur Entscheidungs-MacherIn zu werden. In anderen Worten: Legitimität ist Ermächtigung. Nichts desto trotz setzt die durch solcherlei Prozesse hergestellte Autorität konstante Erneuerung voraus. Repertoires müssen deshalb kontinuierlich

reproduziert, aktualisiert und adaptiert werden. Dies impliziert die Notwendigkeit sowohl Konsens auf Basis von Legitimität zu erreichen, als auch Ansprüche im Rahmen dieser Konditionen zu konstruieren. In diesem Prozess ist „making do“ eine zentrale Kompetenz für jene, die Autorität beanspruchen.

Nicht nur Repertoires der Legitimierung werden ständig entwickelt und adaptiert. Auch die Prozesse und Institutionen, über die Entscheidungen getroffen werden, befinden sich in einem andauernden Prozess der Etablierung. Die Legitimationen sowohl derer, die Autorität beanspruchen, als auch der Entscheidungsfindungsprozesse und -institutionen sind also in einem gegenseitigen Konstituierungsprozess verwoben, der letztlich Formen der Governance produziert. Die Natur der so produzierten Governance, freilich, bleibt unklar: Legitimationen können existente Muster der Herrschaft sowohl verstärken als auch anfechten, bestehende Ordnungen sowohl stützen als auch umwälzen. Diese vermittelnde Rolle ist Teil dessen, was Legitimierung zu einem solch signifikanten sozialen und politischen Prozess macht – und zu einem so relevanten Untersuchungsobjekt.

Während durch das Vorherrschen des „Nachkriegs“-Transitions Prädikats ein Zeitraum der Ausnahme vorzuliegen scheint, schlägt diese Dissertation zusammenfassend vor, dass eine Kontextualisierung ein völlig anderes Bild zulässt. Kontinuität und Veränderungen sind keine sich gegenseitig ausschließenden Erfahrungen, sondern eher eng miteinander verwoben. Dies drückt sich im Gedanken der „permanenten Transition“ (Wydra, 2000) aus, der die Art und Weise hervorhebt, auf die oftmalige und kontinuierliche Transition Teil fortdauernder politischer, sozialer und ökonomischer Prozesse in Kontexten wie jenem Nepals sind. Darüberhinaus besteht bemerkenswerte Konsistenz in der fundamentalen Frage des Zugangs zu Ressourcen.

(Thanks to Stephan Hochleithner for translating the abstract into German)

Prologue

I never packed a “go-bag”.

I had known, of course, that Nepal faces a significant earthquake risk – it had been part of the security briefing I received when I first moved there and was the subject of some discussion amongst friends and colleagues. We were told that we should have a backpack packed with emergency provisions prepared and ready to “go” at the entrance to our homes and offices. Somehow, despite the dire warnings, I worried more about the dangers of travel by road and air, or what would happen if a colleague or I were injured or fell ill while in a remote place. These threats seemed more tangible to me and I took some measures to address them. Like many of my friends and colleagues, I was not at all prepared for an earthquake, despite being well informed. Unlike some of them, I would have had the resources to prepare myself at least to a certain extent.

On the morning of April 25th, 2015, I was at home in Bern and about to start a day of work fine-tuning this thesis when I noticed an alert on my phone. The alert was from twitter and it informed me that #nepalearthquake was trending. My stomach dropped. I realised that the long foretold disaster had finally struck and that the consequences would be very serious for my friends and colleagues and for a country I had grown to love. I spent the next hours and days trying to get in touch with everyone I knew there and to gather as much information as possible. Soon, thanks in part to the incredible role played by social media, I was able to confirm that all of my friends and colleagues were safe.

However, the news that came in - first in trickles and then in a flood, initially from the Kathmandu valley and then from the hills – was at once tragic and difficult to comprehend. The numbers are staggering. At the time of writing, official figures suggest that more than 8,600 people have died and twice that number have been injured.[1] According to the United Nations, 500,717 homes have been destroyed and 269,190 homes damaged.[2] Some 236,000 farming households are affected in 6 districts (Sindhupalchowk, Nuwakot, Dhading, Gorkha, Rasuwa and Dolakha), the situation

[1] http://drrportal.gov.np/ (accessed May 31st, 2015)
[2] UN- OCHA situation report 19 http://un.org.np/headlines/nepal-earthquake-situation-report-19 (accessed May 31st).

being particularly severe in remote areas where up to 70% of households faced food insecurity even before the earthquake.[3] Poor and marginalised people are disproportionately affected, both within the Kathmandu valley and the surrounding hills.

While the epicentre of the earthquake (magnitude 7.8) was in the western hill district of Gorkha, the destruction radiated out towards the east. Aftershocks, some of significant magnitudes, have continued on a daily basis. One of the most significant ones (magnitude 7.3) occurred on May 12th and had its epicentre in Dolakha district in the central hills. The risk of landslides and flooding, which is always present during the monsoon, is particularly serious in the coming months as the continued aftershocks and heavy rains combine. At the time of writing, the monsoon rains have not yet arrived. This is surely welcomed by the many thousands of people living in make-shift shelters and the subsistence farmers who cannot plant their fields until they receive new seeds to replace those buried under rubble.

Nepal's ineffectual government and rugged terrain complicate the distribution of emergency assistance. Many villages are not accessible by road and supplies have to be delivered by helicopter or with the assistance of porters. People needing to be evacuated for medical care are also dependent on those means of transportation. As always, it is most difficult to reach the most disadvantaged. In this difficult situation, much inspiration can be drawn from the incredible extent of self-organisation and solidarity, whether fundraising activities in the diaspora, young people in Kathmandu loading up their cars and delivering supplies themselves or people in quake affected areas ensuring an equitable distribution of relief materials within their communities.

I visited Dolakha several times between 2008-2009, in the context of my work with the Nepal Swiss Community Forestry Project. Dolakha is one of the four central and eastern hill districts the project worked in at that time.[4] The project had been piloting an integrated village development planning process in two localities in each district, and it was my task to analyse these processes. This was my first introduction to rural Nepal, to politics in Nepal, and indeed my first opportunity to interact intensively with local politicians and civil servants in any context. I found the discussions fascinating and the hospitality heart-warming. In many ways, without knowing it, I started working on this

[3] Ibid.
[4] The connection between Dolakha and Switzerland is a longstanding and intensive one: the Jiri Multipurpose Project, started in 1958 was one of the first Swiss international development projects. It has been followed over the years by initiatives in many sectors (agriculture and livestock, health, roads, and forestry, amongst others).

thesis from that point. Months before I was offered the tremendous opportunity to work and study at the University of Zurich, I started grappling with what transition and consensus and other recurrent themes of the time actually meant in terms of political practice.

Needless to say, finding the motivation and concentration to return to finalising this thesis has been challenging. My mind keeps returning to Dolakha, and to the families who welcomed me into their (likely now destroyed) homes. I think of the “go-bag” I had not packed because I did not even want to think about the consequences of an earthquake. And I think about another bag.

One afternoon in November 2009, I was walking in Suspa VDC, Dolakha with two colleagues. At a certain point, we crossed paths with the lady pictured here.

Photograph 1: In Suspa, Dolakha

Source: Sarah Byrne

After chatting for some time, we continued on our way. It turns out that she was going the same way as us, and she insisted on picking up and carrying the small plastic bag I had containing my notebook and water bottle. I found this a little embarrassing because, while I am certainly not a model outdoorsperson, I was quite capable of carrying my own things. After some time walking and talking, I asked why she had wanted to walk with us and carry my bag. The response she gave was that I was a guest and a friend of her community and she wanted to help me in some way, even if just by a small act like

carrying the bag. When we reached our destination and she immediately turned back along the same path, I realised that she had gone out of her way to accompany us.

Rebuilding homes and livelihoods in places like Suspa will take months, if not years. In earthquake affected areas, and in other parts of the country, many families lack shelter, food security and access to services. Major issues of state reform are still pending (new constitution, local elections, inclusion). The agenda of social change that propelled the decade-long civil war and got mired in post-war politics is, if anything, even more relevant and urgent. However, there is also a new energy. As Carole McGranhan (2015) so eloquently put it in the immediate post-earthquake days:

> "One of the first phrases a student of the Nepali language learns is 'Ke garne?' This all-purpose phrase is often posted as a declarative or reflective statement, a question not requiring an answer because it is both question and answer. *Ke garne* means *what to do,* and it is asked when there is no real answer, when the answer is obvious or absent. It encapsulates a sense of resignation, but right now, this is not the sense coming from Nepal. There is not a sense of resignation, but of commitment and care. This phrase that has always captured something so telling about Nepal no longer works. The question is not the answer.
>
> And thus: *Ke garne?*
>
> Help. Learn. Teach. Act."

It has been difficult to finish this thesis, knowing that some of the first homes I was welcomed to in Nepal were destroyed in the earthquake. Some of the people I first asked "what is this consensus, why does everyone need to agree?" are now homeless. I stuck Mc Granahan's words over my desk. Ke garne? Help. Learn. Teach. Act. After five years of learning, I am looking forward to acting. And, in so doing, to support in some way people who made me feel welcome in their communities and who went out of their way to help (both before and during the multi-year project this thesis has been).

1. Introduction

"You know, people are always accusing the Maoists of ignoring the rules. Actually the other parties also don't follow the rules. I insisted that the budget for disadvantaged people should be spent for that purpose, but what could I do? The other parties outnumbered me. In the end I agreed." (Local Maoist politician, Interview 14.11.2011)

"If political parties are not able to fulfil the commitment they made to the people...they will never trust us." (Speaker of the Constituent Assembly, Subash Nembang, reported in the media 22.01.2015) [5]

Questions of trust and compromise are central to political practice because they produce conditions of possibility both for rule and for rendering that rule legitimate. The two quotes I have cited here – one from a local politician and one from a national leader – are emblematic of a tension between securing the trust of the people and engaging in the kind of political compromises necessary to arrive at decisions. This tension is particularly acute in a context such as Nepal's – emerging from a decade long civil war and engaged in a process of both state reform and social transformation at different levels.

On January 22, 2015, Nepal's Constituent Assembly missed a self-imposed deadline to share with the nation a draft of a new, federal, democratic and republican constitution. When scuffles among elected representatives brought a halt to proceedings, Speaker Subash Nembang is reported to have cautioned members of the Assembly with the words cited above. This is the second Constituent Assembly since the end of the civil war (1996-2006), the first having ended without agreement on a constitution, despite having prolonged its term several times. The present Assembly (colloquially referred to as CA2), was elected at the end of 2013 and represents a shuffling of the balance of power compared to CA1 (2008-2012).

[5] This was reported in various news outlets, including, for example: http://www.aljazeera.com/news/asia/2015/01/nepal-fails-meet-constitution-deadline-protests-150123064734163.html.

Though his role in the whole processes has been critiqued, Nembang's statement goes to the heart of questions this thesis sets out to explore. This thesis is about the production of authority, and more specifically about processes of legitimation that seek to authorise decisions and decision-makers in a context of on-going transition or transformation in governance. I ask: how is it that the authority to govern is established and maintained, particularly in a volatile political context? How do particular actors create the conditions that allow them the possibility to control resources? In both cases, as this thesis will show, the key is legitimacy. I suggest that in order to understand the production of authority, we should look to processes of legitimation both of authority claimants themselves and of institutions and processes through which decisions are made.

This dual aspect of both decision-makers and decision-making processes seeking legitimacy is highlighted in the first quote at the start of this section. The Maoist leader who explained to my research assistant and I how it had happened that the budget funds earmarked for "disadvantaged groups" were otherwise allocated emphasised both that he had contested this proposal and that he had in the end bowed to the consensus decision. In the context of post-war Nepal, where there are no elected local governments, decisions are legitimated through being taken on the basis of consensus. This seriously restricts the potential scope for opposition, a fact not lost on the leader cited here. He presented himself as a responsible politician both in that he had sought to uphold the rules, but had also not caused an undue disruption in the budget decision process in defending them. He posed his giving way to the consensus as a contrast to the popular perception of Maoists' ignoring rules and using intimidation to get their way. This delicate dual strategy that attempts to balance seemingly paradoxical discourses is an example of piecing together a repertoire of legitimation, a concept I introduce and a process I analyse in subsequent chapters.

While all eyes are on Kathmandu and the endless debates and search for consensus involved in drafting the constitution of the new republic, governance continues to be produced through the everyday interactions of civil servants, politicians and citizens across the country. "New Nepal" in meaning and practice is coming into being as much in villages and small towns as it is in the chambers of the Constituent Assembly and the resorts where high-level political meetings take place (see Jha, 2014). For this reason, the scope of my analysis is "politics as most ordinary people experience politics most of the time: not as grand clashes of political theories or institutions, but as local struggles for rights, redress, protection and advantage in relation to local officials" (Tilly and

Goodin, 2006: 4). Thus, to better understand how local actors claim, produce and maintain authority at different scales of time and space, I have analysed everyday local politics using empirical and ethnographic research methods.

Defining the research agenda – practical questions

My personal motivation for conducting this research is primarily a practical one. I moved to Nepal at the start of 2009, on the exact date of my 29th birthday. With both trepidation and enthusiasm, I was going to take up a new post as a governance advisor within the Nepal Swiss Community Forestry Project. I had visited Nepal the previous fall and had been very much inspired by the work that was being done and by the vision of my colleagues. In particular I was motivated by the potential of these groups to ensure a more equitable distribution of public resources, and in promoting social change both within the group and beyond it; questioning wider "rules of the game".

The project I was working for was interested in better connecting community forest user groups to local governance institutions more generally, and in particular to the local government. At that time, Nepal was emerging from a decade of war, in which community forest user groups (CFUGs) had been among the few institutions to keep working in rural areas, and had taken over additional governance functions (Nightingale and Sharma, 2014). Local governments, on the other hand, were largely absent from rural areas by the later years of the war. There were local government elections in 1997, but by the time their term of office ended in 2002, the security situation was such that it was not possible to hold a new round of elections. Many of the traditional political leaders as well as local civil servants had retreated to the relative safety of district headquarters or bigger cities. However, following the Comprehensive Peace Accord (2006) and Interim Constitution (2007), it was widely expected that new local governments would be established swiftly.

This was a concern for leading proponents of community forestry, who on the one hand wanted to see functional local governments, and on the other hand were wary of competition over the authority to manage forest resources. The risk of a return to the pre-1990 system in which forests were managed by local governments (which they perceived as having been an unmitigated disaster) was worrying. This fear was not

completely unreasonable, as the 1999 Local Self Governance Act (technically in force but never fully implemented) lists forest management as among the competences of local government. This is in contradiction to the 1993 Forest Act, which granted community forest user groups (CFUGs) the status of self-governing local institutions with the legal authority to manage their local forests. Or, from a different angle, there was an interest to identify ways in which some of the successes or agendas of community forestry (for example, related to issues of gender and social equity) could be integrated into new local governments, as a contribution to the overall agenda of social change in those heady post-war years.

In order to start working in a practical and "bottom-up" way on these issues, the Nepal Swiss Community Forestry project developed an initiative in local development planning. This was conceived as both a temporary way to fill the gap left by the lack of elected local governments and as a way to pilot different articulations between local governance institutions. My task was to study these initiatives in 6 different localities, document what had been learned from the process and identify how they could be improved (see Byrne and Chhetri, 2010).

What came up again and again in my discussions with my colleagues in the project, local politicians, local civil servants and CFUG members were two main themes. The first, mostly on the part of my colleagues, was a feeling that politics was blocking everything and making it impossible to work. Readers of James Ferguson (1990) and Tania Murray Li (2007) will not be surprised to hear that even if my colleagues were not interested in politics, politics was very much interested in them and what they were doing. Indeed, former Prime Minister and Maoist leader Baburam Bhattarari once explicitly indicated as much, tweeting: *"You may not be interested in politics, but politics is interested in you."*[6] There was also a more general feeling among my informants that it is not particularly clear who has the (practical) right to take different locally relevant decisions. I observed that different individuals from community forest user groups, other non-governmental organizations, political party representatives and local civil servants based their claim to authority in different "languages of legitimation" (Sidel, 1995).

[6] See https://twitter.com/brb_laaldhwoj/status/308614205915947008 (accessed March 6, 2013). The original source of this statement seems to be "Marxist humanist" philosopher Marshall Berman (1970), the quote itself is a paraphrase of Trotsky's "you may not be interested in the dialectic, but the dialectic is interested in you".

So the practical question was one about competition and cooperation between different kinds of local organisations that rely on quite different sources of legitimacy. In a post-war context of great uncertainty about the new "rules of the game", the relationship between an organisation that in many places had been resilient and even expanded its authority during the war and an organisation that had been absent but was expected to make a come-back was complex and sure to be contested. During my research I also became increasingly interested in the role of local civil servants, as the central government officially mandated them with the authority of local government in the continued absence of elections. How does one go from being a "paper stamper" (VDC – local government - Secretary) or "seed distributor" (agriculture extension officer) to a decider about local governance and local development in general? And this, particularly in the face of increasingly assertive local politicians, keen for their share of the pie?

There was, and still is, very little academic literature that reflects on these issues. While community forestry has been written about extensively, the state, statehood and local government are only minimally addressed in academic literature about Nepal. Looking at these two kinds of organisations together and in counterpoint, as I do here, seems to be somewhat innovative.[7] Furthermore, while a series of excellent ethnographic studies about everyday life and governance during wartime emerged during the six years that I have been working on this thesis, the post-war period remains – even eight years later – somewhat under-studied. Thus the opportunity to do Phd research in Nepal on exactly how governance is worked out in such a context and specifically on how different kinds of organisations and actors claim and legitimate their authority to make decisions, was ideal.

While doing my PhD research I kept one foot in the field of "development practice" through small scale consultancies and on-going conversations with colleagues in Nepal and other countries. This was an important sounding board for me, particularly in identifying ways to ensure the policy relevance and potential influence of the research. In the summer of 2013 I had the opportunity to re-join Helvetas Swiss Intercooperation, the organisation I had worked for previously, on a part-time basis. Thus as I have been writing up this PhD, I have also been trying to feed the findings back into practice.

[7] The approach is also taken by the very interesting Landscapes of Democracy Project (see Nightingale et al., forthcoming; Nightingale et al., 2012).

Defining the research agenda – conceptual questions

There were also a number of conceptual questions driving my inquiry forward. They are - not surprisingly – referenced in my title. A first conceptual motivation was to understand the diversity of practice behind "making do". Here I was inspired by literature about everyday life during times of war and violence (Korf, 2004; Lubkemann, 2008; Scheper-Hughes, 1992), which suggests that even in such extreme situations, people are engaged in on-going life projects – whether related to livelihoods, family, etc. As Pettigrew and Adhikari write of wartime Nepal, "when questioned, villagers usually portrayed themselves as lacking agency. Our fieldwork reveals, however, that this was a partial picture, as negotiation and compromise, particularly with the Maoists, were always apparent. Villager-Maoist relationships were complex…" (2010, 138). Thus my motivation was to think through agency in times of uncertainty and how to account for political action beyond the simple and simplifying dialectic of resistance and domination.

My second conceptual motivation is captured in the first part of my title "becoming a contender." Much of the most interesting ethnographic literature about the production of authority is set in contexts of institutional pluralism, in which different authorities compete and potential subjects engage in forum shopping. In such a context, as Sikor and Lund (2009) convincingly demonstrate, the ability to take decisions about resources and the authority to do so are mutually constitutive. This constitution is, in many cases, a struggle: "one of the ways in which public authority is established is by its successful exercise as a result of struggle" (Lund, 2006a: 675). While effectively controlling decisions about resource use and the authority to do so may reinforce each other, these roles do not inherently obtain to any particular actor, especially in a context as much in flux as post-war Nepal. How does one get to decide about resource use in the first place? How do particular actors create the conditions that allow them the possibility to control these resources? How does one become a contender in these struggles? This question motivated my interest in the constitution of authority. In complement to studies that address how those in positions of authority maintain themselves (Nightingale and Ojha, 2013), my focus has been on how those with a tenuous position seek to become contenders. This while, as I noted above, they engage in any number of other parallel life projects.

It quickly became clear that legitimation would be key to understanding how authority is produced, how contenders make claims. Thus the relationship between authority and legitimacy is the third conceptual motivation behind this thesis. In his sociological history of authority, Frank Furedi suggests that "authority is both a social and cultural accomplishment that presupposes a consensus on the norms through which it gains both meaning and force" (2013: 78). However, in cases of permanent transition and repeated ruptures in the conditions of rule, as in Nepal, this consensus itself cannot be taken for granted. Contestations about legitimacy – as a constituent element of authority claims – then come to the fore.

And yet legitimacy and legitimation seem to be very difficult concepts to operationalize in an empirical research setting. The concept is used quite differently in law, for example, than in social science. In political science there is a whole literature about legitimacy in relation to justice and democratisation, as well as significant streams of literature in organisational theory and international relations. But there is very little that speaks explicitly to concrete political practices. In a sense, because of its mediating role between power and authority (see Chapter 3), legitimacy is everywhere and nowhere. As Morris Zelditch points out, "legitimacy is a ubiquitous phenomenon, but it seems always to be auxiliary to some other process" (2001: 5). For those scientists that measure things, part of the problem of legitimacy is that it is based on perception and is thus difficult to quantify. Indeed, one of the more memorable critiques I have received of my research went as follows: "what you are talking about is all perceptions. You need to have some data" (workshop participant, 18.07.2013). How to explain that perceptions actually *are* the data? So the third conceptual motivation I had was to put this auxiliary, yet essential, factor at centre stage and to explore the social and political processes through which it is produced. The question is not whether actor A or B is or is not legitimate, and how this can be measured, but how A and B go about making themselves appear legitimate – to themselves, to each other and to those they would rule. In this thesis I have attempted to *bricole* a concept that will help with such analysis.

The concept of transition is the fourth element I was motivated to examine in this thesis. Having worked previously in so-called transitional contexts in the Western Balkans, and being aware of how many people there reject that way of labelling and giving meaning to the post 1990s years, I was curious to unpack the Nepalese connotations of transition. Harald Wydra's notion of "permanent transition" (2000), together with a careful reading of as much political history of Nepal as I could access (Ramirez, 2000 was key) gave me the means to do so. In this way I have tried to conceptualise the post-war moment

as inhabiting a kind of tension between being an “open moment” (Lund, 1998) and being just another moment of “permanent transition”. What is common, however, between the two, is constant contestation and search for consensus on legitimacy.

Contribution of this thesis

In this section I would like to provide an overview of the contribution this thesis makes to understanding how authority is produced. This serves as a kind of preview for the main discussion, which can be found in Chapter 10 (Conclusions).

In the following chapters, I show how authority emerges from contestations over legitimacy. I argue that authority is produced through a process in which the successful employment of legitimating practices make it possible to exercise the ability to take and/or control/influence decisions. Among the most striking observations I made, is the extent to which authority claimants invest in being taken seriously as such. I argue that the use of repertoires of legitimation create the conditions of possibility for exercising authority. While rulers may seek to legitimate their rule, those who are not (yet) rulers (i.e. those who are contenders) focus on legitimating practices that may create the conditions for them to become rulers. When authority and power relations are contested, legitimating practices are employed to gain voice, a public presence, determine agendas – in other words, to increase decision-making power. In this sense, legitimation is empowering.

This ability to take and influence decisions in turn is not a representation of authority, but produces it. However, this authority requires constant renewal, thus the legitimating practices have to be continuously reproduced and updated or adapted. In this process, *bricolage* and *débrouillardise* (“making do”) are important skills for authority claimants. These are not only powers to block action or to resist, as most other “weapons of the weak”, but also a power to get things done. In that sense, they are powerful practices. In addition, “making do” allows us to take a more differentiated view of the various projects different authorities work on – claiming, maintaining or resisting rule are only one part of this diversity. However, I also argue that we should not neglect the extent to which these “serious games” (Ortner, 1996) are culturally framed and such factors as cultural codes (Nightingale and Ojha, 2013) affect the state of play.

Further, the processes and institutions through which decisions are taken are in a constant process of establishing themselves. The legitimations of both authority claimants and decision-making processes/institutions are thus engaged in a mutual constitution that remains uncertain. This mutual constitution produces governance, understood as "the prevailing patterns by which public power is exercised in a given social context" (Jenkins, 2002: 485). However, the nature of governance thus produced is unclear: legitimations can both reinforce and challenge existing patterns of rule, can either prop up or overturn existing orders.

Finally, while the preponderance of the "post-war" transition label suggests a period of exceptionality, I show how putting this in context paints quite a different picture. Continuity and change are not mutually exclusive experiences, but rather are deeply interconnected. This is captured by the notion of "permanent transition" (Wydra, 2000), which allows us to consider how repeated and continued transition is part of on-going political, social and economic processes in contexts like Nepal. Furthermore, when it comes to the very fundamental questions of access to resources that is at the centre of our inquiry here, there is remarkable consistency.

Organisation of this thesis

This is a paper-based thesis consisting of four academic articles (chapters 6-9) and a group of additional chapters providing "framing" insights.[8,9] Two of the four articles have been published in international peer-reviewed journals. The third article is currently in the review process. The fourth article is intended as a contribution to a special issue and is currently under review by the special issue editors and co-contributors. Each of the articles have been presented in at least one international scientific conference, as well as a research seminar organised by the Political Geography Group. Parts of Chapter 4 (methodology) were presented as part of an invited lecture at the University of Fribourg's Geography Department. The articles are briefly introduced in the table below. Note that subsequently they will be referred to either by their short name or chapter given in the table.

[8] I am also producing a summarised version of the policy-relevant findings of my thesis for sharing with various stakeholders in Nepal. The bilingual publication will include contributions from the research assistants and MA students associated with the research project that funded the thesis.

[9] In addition to these four papers, I have co-authored several other publications during my studies that build on empirical or methodological insights gained therein, including peer reviewed articles (i.e. Carter et al., 2014; Chakravarti et al., 2013).

Table 1: Overview of PhD papers

Reference	Title & Status	Contribution
Compromising consensus - Chapter 6	*A compromising consensus? Legitimising local government in post-conflict Nepal* (Byrne and Shrestha, 2014) Published in the *International Development Planning Review*.	100%. Gitta Shrestha contributed to the corpus on which this and the other papers are based.[10]
Authorising bureaucracy - Chapter 7	*"From our side the rules are followed": Authorising bureaucracy in Nepal's permanent transition* (Byrne, forthcoming) Invited contribution to a special issue. Forthcoming in 2018 in the journal *Modern Asian Studies.*	100%.
Making territory - Chapter 8	*Making Territory: War, post-war and the entangled scales of contested forest governance in mid-Western Nepal* (Byrne et al., forthcoming) Invited part of a special issue. Forthcoming in 2017 in *Development and Change*.	70%. Co-authored with Benedikt Korf and Andrea Nightingale, based on data I collected and analysed.
Producing legitimacy - Chapter 9	*Constructing legitimacy in post-war transition: The return of "normal" politics in Nepal and Sri Lanka?* (Byrne and Klem, 2015) Invited part of a special issue. Published in *Geoforum*.	50%. The paper is co-authored with Bart Klem, building on data we had each collected and analysed.

Following this introductory section (**Chapter 1**), **Chapter 2** intends to give background information on the political history of Nepal, in order to situate my later writings about the (post) war period. In the chapter I explore the concept of "permanent transition" (Wydra, 2000) and trace three stands of continuity, namely a) the existence of "counterfeit reality" of the state (Burghart, 1996), b) confusion and contestation over authority and c) the prevalence of ad-hocery. This introduction to the context is complemented by **Chapter 3**, which introduces the conceptual frame of the thesis. In Chapter 3, I work with concepts of authority and legitimacy and think through the ways that they are related in political practice. I also introduce several analytical concepts that structured my analysis, particularly repertoires of contestation (Tilly, 2010), *bricolage* (Cleaver, 2000), *débrouillardise* (Reed-Danahay, 1993) and serious games (Ortner,

[10] I would like to emphasise the important contribution made by the three "research assistants" I worked with during my fieldwork for the PhD between 2010-2013 (Gitta Shrestha, Subita Pradhan, Anupama Pun) as well as my colleagues from the Nepal Swiss Community Forestry Project who accompanied me on field visits in 2009 (Usha Dahal, Birkha Chhetri and Brahma Dhoj Gurung).

1996). **Chapter 4** describes the methodology and methods I used to collect my data and construct my interpretations, attempting to describe how I know what I (think I) know.

Chapter 5 serves as a link between the "behind the scenes" insights of the preceding chapters and the four articles that are at the "centre stage" of the thesis. Chapter 5 thus introduces the empirical context of the two districts of Surkhet and Salyan, so that the reader gets a feeling for the places introduced in the four articles. The articles themselves are reproduced as such in **Chapters 6-9**. In Chapter **10**, I weave all of the threads together and explore four aspects of the tapestry thus produced: a) the power of legitimation, b) the power of making do, c) the ambivalent effects of shaping structures and d) the imbrication of continuity and change. A list of references is provided in **Chapter 11**, while additional material such as a map and list of acronyms appear in **Chapter 12** (the annex). PDFs of the two articles that have already been published also appear in the annex.

2. Continuity and change

Multiple construction sites

"There is a road to Libang."
"How long does it take to get there?"
"Well, the road has not yet arrived"
(Exchange with informant. 25.03.2013)

The above cited quote is emblematic for me of a pattern of being continuously "under construction" that can be observed across multiple sites and scales in Nepal.[11] My attention was first drawn to this pattern when conducting research on decision-making processes around small-scale drinking water infrastructure.[12] On more than one occasion we were told that a particular infrastructure existed, only upon visiting to find it unfinished. Some work had been done, but construction was stalled for one or the other reason, usually due to a lack of funds or conflict over the placement of the tap. The tap is spoken of as if it were already there, and yet it is in a state of being unfinished. The case of the road to Libang cited above – or, for that matter, the new constitution - are further examples of things existing in a kind of liminal state of "under construction." As I explain in this chapter, the maintenance of multiple construction sites, from drinking water infrastructure to the constitution is politically significant.

In this chapter my objective is to provide an introduction of the political context of (local) governance in Nepal. Tracing several key themes in recent political history, I contextualise the idea of "transition" and elaborate the conditions in which my later empirical findings (chapters 6-9) are situated. These themes are a) the state as a counterfeit reality, b) confusion and contestation over authority and c) the prevalence of "ad-hoc-ism". In addition to disentangling a few important threads of the political context, I also provide some background information on the two key institutions of local

[11] Following the massive destruction wrought by the April 25th earthquake and subsequent aftershocks and landslides, the "under construction" metaphor is, if anything, more relevant. Let us keep its material dimension in mind: as I write these sentences one month after the earthquake, families across the affected districts have constructed temporary shelters from tarpaulins, sheets of tin and bamboo. They are de-constructing the remains of their homes, attempting to salvage materials such as wood and tin, and to prepare for reconstruction following the monsoon rains.
[12] The research was conducted by Karin Frischknecht, in the frame of her masters thesis (2013), and was assisted by Subita Pradhan. I participated in part of the fieldwork in the role of thesis supervisor.

governance. These institutions are local governments (VDCs) and community forest user groups (CFUGs). I argue that local governments in Nepal are fairly exceptional institutions (they exist in a very compromised way), and community forest user groups are also somewhat exceptional (for the opposite reason: their resilience).

Permanent transition

The history of Nepal can be interpreted as a series of unfinished revolutions. Several of the historical moments with resonating significance are summarised in the table below (for a general overview, see Gellner, 2007a; Gellner and Hachhethu, 2010).

Table 2: Key periods in local government

Date	Key Events and Themes
1950-1990	• Introduction of democracy in 1951 • Dissolution of the democratically elected parliament under emergency powers by the then King in 1960 • Establishment of the "partyless" *Panchayat* system of government at national and local level (1961-1990) *"Panchayat system" - elected local government, but political parties banned, "guided democracy"*
1990-1996	• People's Movement of 1990 (*Jana Andolaan 1*) brought about a second reintroduction of multi-party democracy • Local government (VDC) elections in 1991 and 1997 *"High expectations, deep disappointment" (Pfaff-Czarnecka, 2004)*
1996-2006	• Beginning of the Maoist People's War in 1996 • Dissolution of the parliament under emergency powers by the then King in 2005 *"People's War", gradual retreat of public administration, 2002 VDC elections not held, establishment of Maoist People's Governments, 2 parallel systems*
2006-	• Second People's Movement (*Jana Andolaan 2*) in 2006 re-established democracy • Comprehensive Peace Agreement ended the civil war in 2006 • Interim Constitution of 2007 declared Nepal a federal republic • Constituent Assembly elections held in 2008 and 2013 *Post 2007 - "transition", temporary local government institutions, formally local government authority delegated to civil servants, no local elections yet. At some point in the future – expected VDC elections, constitution of a newly federal Nepal - exact form and implications for local government unclear.*

The labelling of the present political moment as “transition” does not sufficiently acknowledge that this is not the first major political transformation in recent or living memory (Gellner, 2007a; Whelpton, 2005). As one of my informants explained: “we have faced transition several times. Transition is a major disease. And this is the biggest transition phase we are passing through. People have expectations” (Interview 16.11.2011). This likening of transition to a chronic disease gives some insight into how it is perceived and how people find ways to live with it. Taking the broader context of Nepal’s political history into account, Harald Wydra’s (2000) notion of “permanent transition” – a permanent threshold situation recurrently oscillating between a dissolution of order and political utopia – seems apt for Nepal as well. Wydra uses this concept to push back against suggestions by “transitology” scholars that 1989 was a rupture-point in Polish politics. He argues that 1989 should be understood as part of a broader process of social and political change, full of crises and conflict, which is continuous before and after the moment of revolution.

Of course, the concepts of “post-“, transition, democratisation, etcetera can easily be critiqued for their simplistic and teleological assumptions (a point elaborated further in chapter 8, see also Shneiderman and Snellinger, 2014). But what is particularly interesting about the case of Nepal is that so-called transition has become repeating and seemingly permanent (ever-unfinished) phenomenon. As is illustrated in the cartoon on the following page, the peace process (or other significant change processes) became “lost in transition”, unable to find a way out.

From 1961-1990, Nepal was ruled through a “party-less” *Panchayat* system of government. Lok Raj Baral (1977) has characterised the post-1961 period as one of political ambivalence and “ad-hoc-ism”, with the *Panchayat* system sold as a temporary phase on the road to full-fledged democracy. In 1990, following a massive “People’s Movement” (*jana andolaan*), multi-party democracy was re-introduced and local government elections were held in 1991 and 1997. The early 90s were a period characterised by “high expectations and deep disappointment” regarding change (Pfaff-Czarnecka, 2004). This was one of several factors contributing to the outbreak of a Maoist “People’s War” in 1996. By 2002, the Maoists controlled large parts of the countryside and established their own “People’s Governments” (*jana sarkar*). Meanwhile the then King dissolved the parliament in 2005 and ruled under emergency powers.

Illustration 1: The peace process, lost in transition

Source: Kshitiz (2012)

A second People's Movement in 2006 re-established democracy and a Comprehensive Peace Agreement ended the war in the same year. The Interim Constitution of 2007 declared Nepal a federal republic, and two Constituent Assemblies have since been elected (2008, 2013) to draft a new federal and democratic constitution. Alongside the writing of a new constitution, various issues related to the peace process have been debated and resolved (i.e. demobilisation) or postponed/stalled (i.e. truth and reconciliation, land reform).

Like the early 1990s, the post 2007 moment has been labelled "transition" as the political system and distribution of powers is being negotiated. Almost ten years after the end of the war, and eighteen years after the last local elections, institutions at the local level remain somewhat "on hold" while the broader framework is discussed. A number of temporary "transitional" measures have been instituted to "fill the gap" until such time as the federal constitution is drafted and local elections are held. Thus the trend of ad-hoc, makeshift and ostensibly temporary solutions that Baral identified continues to be evident.

When reading about the political history of Nepal, or works of political anthropology set in earlier decades (in particular, Baral, 1977; Joshi and Rose, 1966; Ramirez, 2000), the recurrence of discourses about transition is striking. This leads to the question: *what political work does a repeated recourse to the concept of transition do? Does transition ever end?* This question is highlighted in a recent article by Mark Peterson (2015), who, like Wydra, uses the concept of liminality to understand political action. Writing about the Egyptian revolution, Peterson makes an important point about the difficulty of finding a way to bring the revolutionary period to an end through some kind of ritual marking a reintegration to "normality". Furthermore, I would like to emphasise that political transition related to local governance – our main focus here – is but one of several open socio-economic and political construction sites. It is imbricated in multiple other on-going transformations (Nightingale and Rankin, 2014).[13]

An entangled state of affairs

In structuring my thoughts about local governance in Nepal, in the context of several decades of recent political history, I have been inspired by Donald Moore's (2005) notion of entangled landscape. Moore writes, the "analytic of entanglement eschews the erasure of historical sedimentations and emphasises their imbrication with emergent practices of power" (2005: 149). Entanglement is useful in analysing a local governance context like Nepal's in which local governance practices and discourses are diverse, make use of different legitimising arguments, are enacted by different authority claimants and are informed by the history of several iterations of local government in relatively recent memory.

Even the very meaning of key concepts has changed. The Nepali word *sarkar* refers at once to public, state and government. According to Richard Burghart, during the *Panchayat* years, the term referred at once to "something belonging to the person of the ruler (his Mercedes), something pertaining to the state (*sarkari* land as state property) and something to which all people had a right of access (a *sarkari* tubewell)" (1993b: 7). Today the definition is more limited, at the very least because the state is no longer understood as the property of the King. Who exactly the state belongs to, and how this

[13] There is a growing anthropological literature on social transformation related to the war itself, as well as other factors such as migration (see, amongst others, Hoffmann, 2014; several of the contributors to Lecomte-Tilouine, 2013b; Zharkevich, 2014).

belonging is represented institutionally, is one of several issues being debated in the frame of the new constitution of Nepal.

I use entanglement here not to suggest that something so complex can be fully disentangled, but rather to emphasise that practices observed today have important legacies. The replacement of one kind of local government institution with another does not just erase the legacy of the former, in terms of the norms and practices generated through and by it. Furthermore, different co-existing local governance bodies may promote different ideas about democracy, citizenship and rights. For example, as Nightingale and Rankin (2014) suggest, the governance practices of the People's Governments established under areas of Maoist control during the war, or those of community forest user groups, continue to shape how people today believe governance should be done.

Looking at the wider context of Nepalese political history, certain continuities become visible across historical scales. One such continuity is pictured in the cartoon below. The cartoon shows that whether under the Rana regime, the *Panchayat* system or democracy, the same kinds of "big people" are dominant. And the "little people" continue to support them. The cartoonist suggests that even though some of the outward appearances have changed, the basic power dynamics remain unchanged.

Illustration 2: Long live…

Source: (Rai, 2012)

In the rest of this section I trace out three elements of continuity in order to set the stage for the following methodological and conceptual discussions, and in particular for chapters six to nine.

"Counterfeit reality": the disjunction between paper and practice

The first of the three elements of continuity in recent political history that I would like to highlight is the gap between how the state is meant to function and how it is observed to function in practice. This disjunction – which continues today - led Richard Burghart (1996: 306) to label public life a "counterfeit reality", as much of the "real" work of the state was hidden. Burghart wrote that "it is in the character of the modern state to have something fictional about it, for constitutive rules create legal fictions that entitle persons to act within the polity" (1993b: 10). The notion of "fake" is also mobilised by Marie Lecomte-Tilouine, who wrote that the *Panchayat* regime "bore a legal egalitarian façade, whereby every citizen enjoyed the same rights and political weight, but experienced a completely different social reality under the authority of local 'great men', who were people of influence placed at the head of clientele networks" (2013a: 5). However, Onta and Des Chene (1995) also point out that the use of the notion of counterfeit and fakery should not abstract from the very real fear, censorship and state violence used to maintain this image.

As Burghart himself pointed out, this issue of the gap between stated aims and implementation is not unique to Nepal. What is significant in the case of Nepal is the extent to which the gap is identified as a political grievance, beyond the truism of its existence. This is particularly highlighted in analyses of the politics of the early 1990s because hopes had been high that the advent of multiparty democracy would bring significant change to previous governmental practices. However, this period has been characterised as one of "high expectations and deep disappointments", including a widespread "disenchantment with the political system, and especially of the ways in which high-flying plans and rhetoric are realised in practice" (Pfaff-Czarnecka, 2004: 174). The existence of a "counterfeit reality" is and has been, a politically potent notion in Nepal. Furthermore, the counterfeit or façade itself, to the extent that it resonated with citizens, was influential. As Lecomte-Tilouine notes: "the virtuous façade [of egalitarianism] nevertheless had a powerful effect in the long term by becoming the model of the ideal socio-political order" (2013a: 5).

The existence of a counterfeit reality of local government implies that although local government authority is formally derived from the Local Self Governance Act, in practice this authority has to be shored up through a number of other means. Local civil servants interviewed in the frame of this research state that they are working within the framework of this legislation and also that it is impossible to implement. This has practical

implications for understanding how it is that local governance actually works. The key, writes Jonathan Spencer (2007: 116), "is to pay attention to what people say they do (or what official documents say they should be doing), and also to what they actually do. And, noting the inevitable discrepancy between the two, it is to compose an understanding of what happens in which this discrepancy is not an accident or an embarrassment, but is in fact central to what is happening." This attention to discrepancy informs Chapters 6 and 7, in particular.

"Who's in charge here?": Unclear authority

A second element of continuity is that it is often unclear who is "in-charge" following the different transformations in the nature and structure of the polity at local level. The photo below is of one of the main roundabouts in Birendranagar, district headquarters of Surkhet. The town is named after the late King Birendra, and his statue used to stand in the middle of the roundabout. The statue was destroyed during the war and, at least until my last visit in 2013, had not been replaced.

Photograph 2: Birendra chowk

Source: Sarah Byrne

Comparing the pre-*Panchayat* system (pre-1960) to the newly installed "party-less" *Panchayat* system (1961-1990), Philippe Ramirez's (2000: 264-65) interlocutors explained that "now there are no more leaders. Each person just looks after his own interests". And that without leaders, disorder prevails: "the old system was not so bad. It was simple ... Today everyone does the work of everyone else" (my translation). The

question of new versus old types of leaders and the distribution of responsibilities between different authority figures is a constantly renewing question and also appears in the present context, as a local health worker explained to Annelies Ollieuz (2012: 123): “Before, it was easy to do the work. There was an elected ward chairperson, and people knew ‘we elected him’… Today it’s very different. Who is responsible? Some people know, some don’t.”

The question of who is responsible was a particularly pointed one during the ten years of civil war (for excellent analyses of this period, see Lecomte-Tilouine, 2013b; Manandhar and Seddon, 2010; Pettigrew, 2013). At one point or another during the war many people in rural areas found themselves caught between the conflicting forces and conflicting governmental projects of both the Maoists and the Nepalese state. As the conflict progressed and the state withdrew its presence from rural areas, with civil servants often retreating to the relative safety of district headquarters, the Maoists established their own parallel local governments (Manandhar, 2010; Ogura, 2008). The collapsing of this kind of “two polity” (Shneiderman and Turin, 2010) situation experienced during the conflict back into one polity is particularly interesting for our analysis. This is because it poses the questions: how do representatives of the state re-assert their presence? How do Maoist authorities transform themselves from representatives of revolutionary People’s Governments to representatives of the very state and system they fought against? These questions are addressed in Chapters 6 and 9.

“Ad-hoc-ism”: Temporary and experimental forms of government

A third element of continuity that emerges from a reading of Nepalese political history is the experimental, temporary and ad-hoc nature of various forms of (local) government, some of which have nevertheless endured for decades. The reasons for this are manifold, though the situation and nature of “permanent transition” is primary among them. Amongst other points in history, the element of ad-hocery is evident in analyses of the *Panchayat* political system (1961-1990). Writing in the mid-1970s, Lok Raj Baral characterised the post-1961 period as one of political ambivalence and “ad-hoc-ism” (1977: 232). According to Baral, “from the very beginning the ideology produced by the system and the justifications given for the political change were based on a ‘make-shift’ ideology or on an ‘experimental idea’” (1977: 11). Sold as a temporary phase on the road to full-fledged democracy, the *Panchayat* system nevertheless endured until 1990.

The period since then has witnessed several further fairly experimental forms of government in the form of war-time Maoist People's Governments and post-war "transitional" arrangements at local and national levels (such as the national Election Council established in March 2013 under the leadership of the Chief Justice of the Supreme Court with the mandate to organise elections for a new national Constituent Assembly).

Key local governance bodies: VDCs and CFUGs

This thesis analyses decision-making around two resources of key importance for local livelihoods (forests) and local development more generally (the local government budget). The key local institutional spaces in which these decisions are concentrated are community forest user groups (CFUGs) and village development committees (VDCs). There are relatively clear sets of rules governing decision-making about these resources, set by the relevant national ministries, and yet these rules are significantly adapted in practice (see all chapters). CFUGs and VDCs have quite different trajectories and decision-making norms and procedures, although there is a certain amount of spill over.[14] VDCs currently exist in a very temporary and provisional form, whereas CFUGs are strikingly resilient institutions (Nightingale and Sharma, 2014).

While initially I had set out to understand how these two kinds of local governance bodies negotiated authority and "operational space" with the Maoist and state security forces during the war, I later re-focused on the post-war negotiation of authority, as well as trying to understand these issues in a broader historical context. Here I provide a very brief introduction that serves as a background to chapters 6-9.

Village development committees (VDCs)

The Nepalese state has figured in a scattered and uneven way in academic writing on Nepal in recent years, and local government even less so.[15] However, several excellent

[14] This is an issue I explored from a practical point of view while working with the Nepal Swiss Community Forestry Project. Findings are documented, though only partially, in Byrne and Chhetri (2010). The interaction of different "practical norms" (Olivier de Sardan, 2008b) is also analysed in the Landscapes of Democracy project (see Nightingale et al., 2012)

[15] Here I am of course mostly referring to academic writing in English. I understand that there are relevant writings in Nepali (see Onta and Des Chene, 1995) but I am not able to read them. The role of language barriers in the production of knowledge is an important issue. Philippe Ramirez's "*De la disparition des chefs*" (2000), is one of the best books I have read on Nepal and was highly influential for this thesis.

earlier works of political anthropology engage with the idea and practices of the (local) state, particularly those written about the Rana and *Panchayat* eras (Burghart, 1993b; Caplan, 1975; Joshi and Rose, 1966; Ramirez, 2000; Regmi, 1963) as well as several more recent edited volumes on the state and democracy (Gellner, 2007b; Gellner and Hachhethu, 2008). The work of Annelies Ollieuz (2011; 2012), which documents the political history of a particular locality from pre-*Panchayat* days to the present, is one of the few to focus particularly on the workings of the local government over time (see also Baral, 2008). Local government practices during the war, in particular the functioning of the Maoist parallel governments, have also been analysed (see, for example, de Sales, 2013; Manandhar, 2010; Ogura, 2007; Ogura, 2008; Shneiderman and Turin, 2010). Insights can also be gained from the wide and deep stream of literature on issues of politics, nationalism and ethnicity more generally. These contributions provide insights into the different sedimented layers of local government that have built up over the past decades. However, as of yet, there is very little academic analysis that looks at how wartime governance structures transitioned into the present post-war arrangement. Furthermore, key players such as local civil servants remain strikingly absent from much analysis, which either focuses on overall issues of statehood, on how citizens adapt to different regimes of rule or the strategies of different political actors and movements. These are gaps my research aims to contribute to filling.

Nepal's Local Self Governance Act (LSGA, 1999) refers to two main levels of "local bodies" – Village Development Committees (in rural areas), municipalities (in urban areas) and District Development Committees. Nepal currently has 75 districts, each of which are divided into a number of VDCs (the number varies by district), and each VDC is divided into nine wards. Somewhat confusingly, the term VDC refers both to the territorial as well as politico-administrative unit of governance. The LSGA grants a wide range of powers to VDCs, though implementation has not been realised due to resistance from line ministries, the expansion of the civil war and the protracted post-war negotiations on a new federal constitution and corresponding distribution of powers. Consequently, the context of local governance in Nepal is characterised by a significant difference between the formal role and function of local bodies, as described in the Local Self-Governance Act and the observable practice of local governance.

For example, though called a "development committee", the VDC is a political body. In his exploration of the making of the local state in Nepal, and the establishment of VDCs,

Unfortunately its readership (particularly in Nepal) is not as wide as it might have been were it available in a language more widely read in Nepal.

Chris Tarnowski (2002) makes reference to a quote from James Ferguson's The Anti-Politics Machine (1990). Referring to Village Development Committees, Ferguson's informant caustically notes that "it seems that politics is nowadays nicknamed 'development"' (1990: 247). Tarnowski goes on to suggest that in Nepal, the situation is more the inverse – though the VDC body is supposed to be a political unit, it is the notion of development that most stands out. I would suggest that, at least in the post-war period, this political aspect has re-gained prominence in the interim arrangements.

According to the LSGA, the VDC consists of a Chairperson and group of representatives elected by the citizens of the locality. Elections for these posts were held in 1992 and 1997. The term of the last elected local governments ended in 2002. Elections have been repeatedly postponed since that time and a number of temporary arrangements instituted instead. In the absence of elected local governments, the "in-charges" of the agriculture extension office and the health post, along with the VDC Secretary, are mandated to make decisions for the local government until such time as new local elections can be held. In practice the main responsibility falls to the VDC Secretary, as acting VDC Chairperson, with the other two civil servants providing more or less active support. Appointed by the central government, the VDC Secretary is formally responsible for local government administration (see Chapter 7). This additional role presents challenges because many VDC Secretaries already felt overburdened by being responsible for more than one VDC and are often lacking in facilities and support staff. VDC offices and other infrastructure destroyed during the war are not yet fully replaced throughout the country. VDC Secretaries can often be found working out of rented premises in district headquarters. Some VDC Secretaries carry out a wide variety of functions beyond their formal "job description", sometimes simultaneously, which produces a relatively broad and fluid idea of local government. Other VDC Secretaries do not even fulfil their job description, which produces a very limited idea of local government. So even within one district there can be expanded and contracted ideas and practices of the form and function of local government.

Along-side the increased role of local civil servants, representatives of political parties also have a role in local decision-making. Initially an informal practice during the war, this was formalised afterwards in the frame of an official "All Party Mechanism", to ensure political consensus for decision-making. However, in the face of widespread allegations of corruption, the mechanism was officially disbanded in 2012. It nevertheless continues to function unofficially and can be very influential (for more on the APM, see Chapter 6). Other influential local persons, for example ex-VDC

Chairpersons or school principals, also play a role in the VDC with the unofficial title of "advisor". The proliferation of influential unelected and unofficial advisors to community groups such as community forest user groups is a topic deserving of further research.

Community forest user groups (CFUGs)

Community forest user groups (CFUGs) are another important local organisation that is implicated in the negotiation of local authority. Nepal's community forestry programme in its present form builds on an acknowledgement that effective forest management requires that people living near to the forest participate in decision-making and that, due to the relatively limited penetration of the Nepalese state in rural areas, forest management expertise is not only in the hands of the state. Following the nationalisation of forest land in 1957, from 1978 onwards the government of Nepal started to decentralise forest management rights, first granting limited rights to local governments (at that time *Panchayats*) and then wide ranging rights directly to communities. Unlike local governments (VDCs), community forestry in general and community forest user groups (CFUGs) in particular have been the subject of very extensive research in Nepal (a very partial list includes Blaikie and Springate-Baginski, 2007; Campbell, 2007; Hobley, 1996; Nightingale, 2005; Nightingale and Ojha, 2013; Rai Paudyal, 2008; Tarnowski, 2002). This research provides useful insights into community forestry as a social transformation process, and the various re-negotiations of the relationship between (and among) communities, the state and forests in recent years. However, in general, despite this being a key concern in practical terms, the relationship between community forestry and local government is under-analysed. The uneven mapping of government territories onto forest territories is noted as a problem, but there are few cases of research into how this is articulated in practice. This is an issue I address in this thesis, particularly in Chapter 8.

Like with local governments, the legacy of different institutional arrangements and "rules of the game" for forest resource governance has continuing implications (see Chapter 8). The Forest Act of 1993 granted community forest user groups (CFUGs) the status of self-governing local institutions with the legal authority to manage their local forests. However, the forestland remains in the ownership of the state. In addition to the basic resources harvested from the forest, such as fuel wood and fodder for animals, the forests present opportunities for the group to raise funds. For example, CFUGs can set prices (both for their own members and for outsiders) and market their forest produce.

Consequently, community forest user groups are important actors – and investors - in local development as they both possess financial resources and also control access to basic livelihood resources. Since community forest user groups govern access to and control over an essential component of livelihood capitals, their functioning or not, in particular their continued legitimacy to decide on access to forest resources is a highly relevant issue.

Furthermore, CFUGs are an interesting and relevant analytical entry point for our analysis of how authority is produced because research suggests that they were among the few local organisations that continued to function throughout the war (see, for example, Acharya and Yasmi, 2008; BK, 2010; Nightingale and Sharma, 2014; Paudel and Kattel, 2006; Upreti, 2004). Indeed in many cases CFUGs even took on a wider role in local governance and development as the conflict intensified and other development actors retreated to the relative safety of district headquarters.

3. Conceptual framework

Introduction

"When a legal system undergoes rapid change, questions are inevitably raised concerning the legitimacy of the sources of its authority" (Furedi, 2013: 6)

The attempt to distinguish between authority and power has been a continual feature of both political practice and political theory/analysis for centuries. Such questions are particularly pointed during periods of rapid change, as the quote that opens this chapter suggests. When starting to do research on the question of authority, the researcher will be faced with a number of practical questions. Among these, what exactly authority is or is not, and in particular how it comes about. Authority is a term that is often used without definition, and even less with an explanation of the specific processes through which it is claimed, constituted and reproduced. And yet, the way authority is constituted is key to my endeavour here: understanding how different actors and organisations manage to have a say in decisions about local resources.

Authority "is both a social and cultural accomplishment that presupposes a consensus on the norms through which it gains both meaning and force" (Furedi, 2013: 78). However, in cases of permanent transition and repeated ruptures in the conditions of rule, as in Nepal, this consensus itself cannot be taken for granted. Contestations about legitimacy – as a constituent element of authority claims – then come to the fore. In this thesis I suggest that we should approach legitimacy not as a taken-for-granted quality that is or is not present in varying degrees, but as a property that is claimed, constructed and maintained through specific processes of legitimation. My understanding of processes of legitimation has been shaped by the work of Muthiah Alagappa (1995), who sets out to explain how political legitimacy is produced in Southeast Asia. Building on Max Weber's classical definition, Alagappa suggests that the process of legitimation is "characterised by projections and counter-projections of legitimacy, by contestation of meanings, and by deployment of resources including coercion, negotiation, and possibly suppression and termination" (1995: 13). Thus legitimation itself is an important site of struggle and it is fruitful to investigate the processes through which different actors and institutions attempt to legitimise their decisions and their decision-making role.

Particularly in “open moments”, which Lund (1998) characterised as opportunities that offer the double-edged possibility of reassertion or erosion of power, the stakes are high.

In this chapter I would like to propose some conceptual orientations to how authorisation and legitimation can be approached, before moving on to proposing my own interpretations of such processes in Chapters 6-9. Some elements of the conceptual framework are developed further in the individual chapters. While the present chapter on concepts precedes those that relate the findings, these have been developed iteratively throughout my research. Although starting with an initial curiosity about how authority is actually produced, the rest of the framework outlined here was built up inductively in dialogue with the findings in my general corpus of data, and in particular the already analysed findings presented in Chapters six to nine (three of them having been written before this chapter took shape).

The first section of this chapter introduces the three exploratory concepts this thesis is framed by: authority (authorisation), power and legitimacy (legitimation). In this section I review key literature, critiques and suggest why and how these concepts are useful for my research. The subsequent three sections introduce the four analytical concepts that I have used to examine and explore my data. These concepts are: repertoires of contestation (Tilly, 2010), bricolage (Cleaver, 2000; Douglas, 1986), *débrouillardise* (Reed-Danahay, 1993) and serious games (Ortner, 1996).

Authority, power and legitimacy

Approaching the production of authority

When it comes to defining the relationship between authority, power and legitimacy, sooner or later all roads lead to Max Weber. In his classical work, one of the foundations of modern sociology, Weber refers to authority as “an instance of power that implies a minimum of voluntary compliance, that is, an *interest* (based on ulterior motives or genuine acceptance) in obedience” (1968: 213). Weber developed a typology of legitimate domination describing the foundations on which the validity of claims to legitimacy may be based: legal authority, traditional authority and charismatic authority (1968: 215). Since this compliance is secured through the legitimisation of power, authority is often defined as legitimate power. In Peter Blau’s interpretation, Weber

suggests that “either positive incentives or coercive measures by a person in order to influence others is *prima facie* evidence that he does not have authority over them, for if he did their voluntary compliance would serve as an easier method of control over them” (1963: 307).

But this begs the practical question: how is voluntary compliance ensured? Through what means does a person produce the authority to give orders? Weber suggests a number of reasons for compliance, the key being legitimacy. Furthermore, the “plebiscite has been the specific means of deriving the legitimacy of authority from the confidence on the ruled” (Weber, 1968: 267). However, where a plebiscite is not held – for example in our case where there have been no local government elections since 1997 – alternative means for obtaining the legitimacy of authority are required. In general, and is evidenced by this thesis, the relationship between coercion and legitimacy in practice is complex and they are not necessarily practiced in isolation.

How does one grasp or observe something so contingent, so tenuous and yet so effective? Such analysis must build both on insights into the rationalities and norms that inform the actions of individuals and on information about concrete practices. Authority is not something that one or another actor naturally possesses, but is rather “a relation that requires continual renewal” (Nightingale and Ojha, 2013: 30). As authority is a relational concept, the scope of analysis includes both relations between and among different authority claimants, as well as between authority claimants and those whose compliance they seek to ensure. As Nancy Luxon writes, “the challenge posed by attending to “authority,” then, is the challenge of analysing its *interpretive* dimensions rather than its phenomenal presence or absence” (2013: 23). Analysing authority is thus about interpreting the relationships between norms and practices, and between and among different actors. While the researcher forms their own interpretations as part of the research process, research participants / subjects / informants also offer interpretations that must be taken seriously.

In my research I wanted to explore the nitty gritty empirical details of this process, in order to come up with a much more concrete elaboration of how exactly authority is produced. Authority, like power, is only visible through its effects (Hansen and Stepputat, 2005). My strategy to expose the processes through which authority is produced was to interrogate the role of resource control in re/producing relations of power and authority. In a context where authority is in a sense “up for grabs”, where it is not really clear who has the authority to decide over resource control, then exercising the role of decision-

maker or influencer is one way to produce authority. This was also a practical methodological consideration (see more in Chapter 4) as exercising the ability to take and influence decisions is visible in everyday decision-making process, both front and backstage, through both cooperation and conflict.

The ability to take decisions about resources and the authority to do so are mutually constitutive. Clearly this empirical observation resonates with the theory about the relationship between property and authority outlined by Thomas Sikor and Christian Lund (2009). They suggest that the exercise of authority is intimately linked to claims of legitimacy and that (referring to Weber) authority is successfully legitimated power. Specifically, in contexts of institutional pluralism, people try to have their access claims recognised as authority by politico-legal institutions.

However the process of recognition also functions to imbue the recognising institution with the authority to do so. The power to access the resource and the power to grant recognition are, through a sort of contract in which each legitimates the other, rendered authoritative (Sikor and Lund, 2009). Citing an example from Burkina Faso, Sikor and Lund (2009) show how control over land did not *represent* customary authority; it *produced* it. Those who were able to actually distribute land and oversee land transactions were able to establish roles as “land authorities”.

While effectively controlling decisions about resource use and the authority to do so may reinforce each other, these roles do not inherently obtain to any particular actor, especially in a context as much in flux as post-war Nepal. How does one get to decide about resource use in the first place? *How does one become a contender in contestations over authority?*

Sikor and Lund (2009) point out that new authority claimants can emerge and establish their authority through effective control of resources. Accessing decision-making power and producing authority require significant political work on the part of claimants. As Eva Sørensen succinctly points out: “it is of little value to vote for powerless politicians” (1997: 554). It may be true that, as Ruud reports, “one simply cannot, it was implied, become powerful and important by being principled and clean” (2001: 117). But in the context where I have done research, significant emphasis is placed on insisting otherwise, both discursively and practically. This work is what I have tried to explore in greater detail in my thesis.

Legitimacy and legitimation

In the Weberian definition of authority noted above, legitimacy is a key factor. As Blau suggests, in a Weberian analysis, a "legitimating value system furnishes the final and basic distinguishing criterion of authority" (1963: 307). Authority requires that both the authority claimants and those they would aspire to rule perceive this authority as being legitimate. This implies that there is a certain consensus on what is and is not legitimate in a particular context, at a particular time. Here I disagree with Luxon, when she writes that "if, analytically, authority relies on the presumption of legitimacy, then political authority would appear to disinherit any kind of political contest over its terms from the beginning" (2013: 29-30). I think the contest is *precisely about* the legitimacy on which authority relies.

In the context of permanent transition that I elaborated in Chapter 2, this serious reflection and argument about the bases of legitimacy on which authority depends is actually an on-going process. For example, at the national level the authority of royal rule has shifted to the authority of a democratically elected parliament – one legitimated in terms of Nepal's status as Hindu kingdom, the second legitimated in democratic terms. The legitimacy of royal rule was much contested during the 1990s and during the war (and even before) and yet the then-King still managed to dissolve parliament and institute emergency rule in 2005. At the local level, the shift of local Maoist leaders from fighters and revolutionaries to "responsible" politicians, is another significant example.

Different constructions of legitimacy are possible within a single governance process and build on very context-specific norms against which practice and discourse are judged. Therefore I suggest that we understand legitimacy as situated— as different processes generate their own locally accepted "normative basis of authority"– and continuously constructed through governance processes, while also playing a role in shaping the processes themselves.

A consensus on the normative basis may or may not develop – the production of this consensus is a key site of struggle. In cases where there is no consensus, authority claimants make recourse to a diverse range of legitimising practices and discourses in order to cover all bases (or as many as possible). However, as the empirical evidence of Nepal's permanent transition shows, it is possible to "agree to disagree" on what constitutes a locally legitimate governance structure – competing interpretations can co-exist - and indeed any consensus found does not have to be permanent. Thus we can

say that legitimacy is always conditional, "under construction" and is susceptible to challenge, particularly in times of social and political change (Beetham, 1991).

Critiques of the Weberian concept

Debate and critique of Weber's work in particular (including the translation in to English of key terms like *Herrschaft*), as well as the uses of the concepts of authority and legitimacy it has inspired, has produced a voluminous amount of literature. Engaging it in depth is beyond the scope of our present endeavour, but I would like to highlight a couple of key themes that are relevant for my research. The first is the extent to which invocations of legitimacy or legitimating practices are only a sham. Luxon suggests that this is one of the reasons why authority has received relatively less academic attention than "pure" power and its relation to subject formation and agency in recent years: "such a disciplinary trend reflects the intuition that claims to authority often invoke the thin veil of legitimacy in order to cloak the more uncomplicated activities of rule or outright domination" (2013: 26).

Indeed, James Scott, amongst others, has suggested that legitimation is more about keeping up appearances, that domination requires a credible performance. Scott argues that, "the necessary posing of the dominant derives not from weaknesses but from the ideas behind their rule, the kinds of claims they make to legitimacy. A divine king must act like a god, a warrior king like a brave general; an elected head of a republic must appear to respect the citizenry and their opinions; a judge must seem to venerate the law" (1990: 11). Indeed, according to Beetham's summary of Scott's views, he suggests that "in so far as legitimacy claims matter, it is to the powerful themselves. It is they who need to be convinced of the rightfulness of their rule if they are to have the self-confidence to maintain it; they constitute the chief audience for their own legitimacy claims" (2012: 121-122). Parkin (1982) also notes a tendency to focus on perceptions of the elites in Weber's work, arguing that he focuses on advertisements of legitimation rather than on the granting of legitimacy (which would entail an understanding of the perception of the proposed "subjects"). However, Beetham (2012) also points out that Weber's focus on the governors rather than the governed was deliberate because he believed that it is primarily those involved in the administration and enforcement of a system of power who need to be convinced of its legitimacy – the risk of a coup being perceived by Weber as greater than a risk of revolution from the streets. Thus, according

to these critiques, legitimacy is either a total façade or else merely a self-affirmative performance.

A second critique of Weber's work that is relevant for my analysis here is that he does not sufficiently analyse the structural conditions through which claims to legitimacy have resonance or effect or the structural dynamics in which relationships of authority are negotiated. On this point, Parkin posits that "had Weber treated the conferment of legitimacy as a rather more uncertain and precarious business he could have broadened the scope of his analysis in several ways" (1982: 78). Luxon (2013) suggests that we need to better understand the role of political, economic and cultural structures in mediating relationships of authority and to be critical about the role of legitimation in naturalising exploitative relationships. This point is also made by Nightingale and Ojha (2013), when they suggest the importance of cultural codes in the production and reproduction of authority and in legitimating social inequalities.

These critiques certainly pose relevant questions, for my work as well as much that employs the concept of authority. It is true that my work also focuses mostly on authority claimants and how they mobilise legitimating practices and discourses for strategic advantage in decision-making processes. The relationship between authority claimants and those they seek to rule, or how the potentially ruled respond to the different legitimations performed for them is something I give less prominence to here. But I think the context I analyse is one in which rule is fragmented and significantly contested (see Chapters 6-9). This contestation process is an interesting and relevant subject of study in and of itself precisely because in such an "open moment" (Lund, 1998) the stakes are high. Would the authority claimants I have studied invest the same in legitimation if their authority was more secure? Probably not. But in this context of insecurity where the relationship between dominant and oppressed is not as clear as it once was, legitimation is powerful.

Repertoires of contention, legitimation, domination and resistance

In this section I introduce the concept of "repertoires of contention", developed by Charles Tilly (2010). I describe an extension of the concept that Amy Poteete and Jesse Ribot (2011) have proposed: "repertoires of domination" as a specific subset of

"repertoires of contention". I argue that my purpose here, understanding processes of authorisation, calls for a more nuanced and multidimensional sense of power than the domination/resistance division acknowledges. I thus propose "repertories of legitimation" as a way to analyse legitimacy claiming practices mobilised by different and even multiply situated actors, particularly those not (yet) in positions of dominance. This leads into the final section of this chapter, in which I introduce the concepts of bricolage and *la débrouillardise*, suggesting that they can provide useful insights into how repertoires of legitimation are actually constituted and used.

Like Scott, Tilly (2010) also proposes the use of theatrical metaphors, in Tilly's case to analyse what he terms contentious politics. Using the metaphors of performance and repertoires, Tilly shows how particular instances of claim-making build on and improve shared scripts. Performances are such practices as presenting a petition, taking a hostage, organising a demonstration – the types of events of which our news bulletins are full. According to Tilly, "performances clump into *repertoires* of claim-making routines*"* (2010: 35)*,* the theatrical metaphor drawing our attention to the "clustered, learned, yet improvisational character of people's interactions" (2010: 35). Tilly suggests that claim making resembles a jazz performance (improvisation on a theme), rather than the straight-ahead reading of a script. Of course, as any musician will tell you, improvisation builds on much practice. Young jazz musicians must develop their own personal dictionary, or catalogue, of phrases (Lawn and Hellmer, 1996).

I would like to emphasise two parts of Tilly's definition of a repertoire as "a limited number of recognisable performances" (2010: 43), as they are relevant for our considerations here. The first aspect is that a repertoire consists of a limited number of elements. The limited number means that the scope of the performance is finite, possibilities to contest are not endless. In Chapters 6-9, I analyse some strategies to expand repertoires. Secondly, performances are recognisable – those contesting use performances that they expect to be both visible and understandable. Here the comparison to jazz improvisation is again insightful: jazz improvisation is a learned language through which musicians and audience communicate (Lawn and Hellmer, 1996).

Repertoires are a useful analytical metaphor for framing and grouping political practices. The concept of repertoire recognises the improvisational flair of the musician/actor, but also acknowledges both the learned and limited dimensions of the performance. Tilly focuses on the way performances and repertoires are mobilised in the broad range of

contentious politics. Within this range, several subsets of specific types of repertoires can be identified.

One such subset of the repertoires of contention is proposed by Poteete and Ribot (2011). They conceptualise “repertoires of domination” and analyse how these are mobilised in resisting decentralisation processes in Botswana and Senegal. More specifically, Poteete and Ribot describe repertoires of domination as the sets of routine claim-making actions available to actors as they seek to gain, expand or defend positions of dominance in relation to other actors. Noting that in principle Tilly’s repertoires of contention encompass claim-making by any set of actors, they point out that most applications have nevertheless focussed on the repertoires mobilised by actors challenging the status quo. In other words, repertoires of resistance in the “Scottian” (1985) sense have received more analytical attention than repertoires of domination. In complement to conceptualisations of resistance as being the domain of the weak, Poteete and Ribot use the term domination to refer to relatively more powerful actors. Thus they clarify that their distinction between domination and resistance is not based on differences in activities and goals but on the relative position of the actors.

Poteete and Ribot suggest that the concept of repertoires of domination “trains interest on the multiple ways in which powerful actors gain, build and maintain positions of dominance. Actors engage in routine or practiced ways of doing things as well as creative improvisation and the quality of their performance varies based on skill and experience” (2011: 440). What do repertoires of domination look like in practice? In the two case studies examined by Poteete and Ribot – wildlife and forestry management in Botswana and Senegal, respectively – powerful actors threatened by decentralisation drew upon a repertoire of defensive performances to slow down or block the transfer of significant power to local governments. While the specific practices are diverse and linked to both the sector in question and local contexts, they highlight an overlapping set of mechanisms at work. These mechanisms include (de)legitimation; misrepresentation and obfuscation; the fostering of dependency; threats, bribes, and coercion; and coalition-building and collusion.

I find this approach a useful counter to the usual focus on resistance, and I think the actual practices Poteete and Ribot describe are relevant for our present analysis. It is an interesting and useful exercise to separate out practices that constituent a repertoire of domination (i.e. those described by Poteete and Ribot) from practices that constitute a repertoire of resistance (i.e. the classical Scottian practices of foot dragging,

dissimulation, trickery). However, I think that conflating domination with the relatively powerful (and accepting the conflation of resistance and the weak) confuses rather than helps clarify relationships. In my view, domination and resistance are interwoven in everyday politics. Focussing on repertoires of domination brings with it a risk of overestimating the coherence of "the powerful" and underestimating (or even ignoring) the power of "the weak". Such a concept of domination or resistance constructs them as inherently separate sites, and separate strategies employed by separate actors. This separation is misleading because "practices that are resistant to a particular strategy of power are … never innocent of or outside power, for they are always capable of being tactically appropriated and redeployed within another strategy of power, always at risk of slipping from resistance against one strategy of power into complicity with another" (Gupta and Ferguson, 1997: 18-19). The domination/ resistance distinction glosses over much of the nuance of practice (see, for example, Nightingale, 2011).

For this reason, while I have in general analysed the strategies of relatively powerful members of the communities in which I've worked, I conceptualise my object of analysis as repertoires of legitimacy, rather than domination (or resistance). Like repertoires of domination or resistance, repertoires of legitimation are a subset of Tilly's repertoires of contention. This particular subset focuses attention on how authority is negotiated and distributed by different and even multiply positioned actors.

Bricolage et la débrouillardise

Having introduced the concept of repertoires of legitimation in the previous section, I would like to suggest here how the repertoires are constituted and employed. Obviously, not all actors use all (potentially) legitimating practices at all times. How do they develop their own repertoires and how do they decide which part to play or employ at which points? As Tilly (2010) and Poteete and Ribot (2011) suggest, there is a learned and an improvised element to the composition and employment of repertoires. There are two concepts that I find helpful in understanding this: bricolage and la *débrouillardise*.

According to Mary Douglas, "Lévi Strauss (1962) invented the image of the thinker as *bricoleur*, the amateur craftsman who turns the broken clock into a pipe rack, the broken table into an umbrella stand, the umbrella stand into a lamp, and anything else. The *bricoleur* uses everything there is to make transformations within a stock repertoire of

furnishings" (1986: 66). The concept of *bricolage* has been used by Frances Cleaver (2000) to suggest how mechanisms for resource management and collective action are borrowed or constructed from existing institutions, styles of thinking and sanctioned social relationships. The point here is somewhat similar to the one we made in Chapter 2 about how the slate is not wiped clean between different iterations of local government. Rather the different layers become entangled (Moore, 2005). For example, as we reported in Chapter 2, Nightingale and Rankin suggest that the governance practices of the People's Governments established under areas of Maoist control during the war, or those of community forest groups, continue to shape how people today believe governance should be done (2014).

In complement to the *bricolage* of institutions explored by Cleaver and Douglas, I think we need to understand better not only the *bricolage* of the institutions themselves, but also the *bricolage* of the legitimation of roles *in* these institutions and in making decisions about resource control more broadly. Authority claimants do not establish a new set of legitimating practices at each turn, but they build upon what was already there. Like with jazz musicians, they piece together existing phrases and adapt them for their own purposes.

The second concept, which is connected to the first, and not only by its linguistic heritage, is *la débroulliardise*. Deborah Reed-Danahay defines *la débrouillardise* as an honest form of resourcefulness and social manipulation, which incorporates both resistance and partial accommodation (1993). Further, people consider that if you can artfully manage a situation to your own advantage (*se débrouiller bien*), then you have power. While this term is generally translated with the more generic "making do" in English, it is important to note the notions of skilfulness (not a simple reaction) and honesty (as opposed to the moral ambiguity of the trickster and his ruse) inherent in the concept.[16] Literally translated, the term evokes clearing away the fog. While "making do" is often grouped together in lists of the various "weapons of the weak", the specific way it is used by Reed-Danahay's informants, sets it apart and thus makes it interesting for our present purposes. What sets it apart is that it speaks to a more complex system of power: making do is something both "powerful" and "weak" people need to know how to do, and people who do it effectively have a certain power, are empowered. It is not only

[16] "Making do" is also sometimes used to translate other notions, such as *bricolage,* and is used in the English translation of de Certeau (2000) to generally denote ways of dealing with an imposed system. In this paper I am using it specifically to translate *la débrouillardise* as defined by Reed-Danahay.

a power to block action or to resist, as most other "weapons of the weak", but also a power to get things done.

La débrouillardise is a helpful concept in that it draws our attention to the ways that authority claimants have to be adept at "making do", at using the resources and opportunities available. There is no clear and straight path to follow. The legitimating practices and discourses they have at hand must be skilfully employed to outwit competitors and the many other obstacles in their way. The basis of rightfulness is changeable and so they have to adapt. Of course the extent of adaptation required is different for differently situated people. As Cleaver points out, different *bricoleurs* are likely to apply their knowledge, power and agency in respect to social relations, collective action and resource management in differing ways – resulting in a diversity of potential actions (2000).

Serious games

Lest one get the impression that *bricoleurs* and *débrouillards* are freewheeling free-agents, deftly juggling claims and operating without constraint or convention, I would like to highlight some limitations. As the various theatrical and musical metaphors we have played with in this chapter suggest, repertoires may be malleable but they are not infinitely flexible and they have limitations. For example, as we noted above, "the *bricoleur* uses the resources at hand to produce something *within a stock repertoire of furnishings"* (Douglas, 1986: 66, emphasis added). Like the young jazz musician, what the *bricoleur* produces is informed and strongly influenced by a culturally defined stock repertoire.

Here Sherry Ortner's concept of "serious games" can provide a useful way of acknowledging and thinking through the cultural framing of intentions (1996; 2001). As Ortner writes, "people do not just enact material necessary or cultural scripts but live life with (often intense) purpose and intention; people are defined and redefined by their social and cultural contexts, which frame not only the resources they start with but the intentions and purposes they bring to the games of life" (2001: 23). This point on cultural framing of intention is also articulated by Nightingale and Ojha in their article on forest governance in Nepal's southern Terai region (2013). They argue that the potential of contentious politics is constrained by cultural codes that reproduce hegemonic

institutional forms. Authority is asserted through feudalistic, techno-bureaucratic and developmentalist cultural codes that reinforce entrenched powers.

And yet, as I will show in Chapters 6-9, legitimation is also empowering. As Ortner writes, "legitimation is not solely the property of big people … [in some] instances the schema appears not as a tool for the legitimation of those in high positions, but as an instrument of self-empowerment and social assertion" (1989: 149). Indeed, legitimation processes can generate pressures to change structures (Walker et al., 2002). Authority claimants are *débrouillards* who *bricole* a repertoire of legitimating practices and discourses in order to make it possible for them to control decisions about resources. To the extent that these practices and discourses are effective, recognised and valorised by the claimants themselves, their competitors and envisaged subjects, *legitimation is empowering*. And to the extent that the choice of recourse to one or another repertoire is significant in the (dis-)ordering of the post-conflict landscape of authority, there are also structural implications. These two elements will be assessed throughout Chapters 6-9, and we will return to them in our concluding chapter.

Summary

Before proceeding to describing my methods (Chapter 4) and introducing the four articles at the heart of this thesis (Chapters 6-9), I would like to summarise the main elements of the conceptual framework I have outlined in this chapter.

Authority is an "instance of power that implies a minimum of voluntary compliance" (Weber, 1968: 213). Empirically, authority is only visible through its effects, thus analysing authority means interpreting the relationships between norms and practices, and between and among different actors. I suggest that one way in which authority is made visible is in decision-making processes about access to resources. This is thus a useful analytical entry point.

The ability to take decisions about resources and the authority to do so are mutually constitutive (Sikor and Lund, 2009). However, I point out that neither this ability nor this authority automatically obtains to any particular actor. They have to be claimed and in many cases these claims are contested by other (potential) authorities.

The voluntary compliance aspect of authority is secured through legitimation (Weber, 1968). Thus legitimacy is key to producing, justifying and consolidating authority. Or, inversely, authority is successfully legitimated power. While control over resources and the authority to do so are mutually constitutive, I draw attention to the link between them, which is mediated by legitimation. Merely controlling resources without successfully legitimating that control will not result in authority. Likewise, authorities who do not continue to successfully legitimate their role, will put their control over resources at risk.

Legitimacy is a property that is claimed, constructed and maintained through specific processes of legitimation (Alagappa, 1995). I point out that this is itself also a contested process, particularly in contexts where there is no consensus on the appropriate normative basis for these claims.

Moving towards more analytical parts of the conceptual frame, I introduce the concept of a "repertoire of contestation" as a claim making routine constituted of "a limited number of recognisable performances" (Tilly, 2010: 43). Rather than reading from a script, Tilly suggests the routine is more like an improvisation on a theme. Like improvisation in jazz, it is based on known elements that are adapted in conversation with the audience.

I find a repertoire thus conceptualised a useful way to order different kinds of practices and performances. The concept of repertoire recognises the improvisational flair of the musician/actor, but also acknowledges both the learned and limited dimensions of the performance. I thus propose "repertoires of legitimation" as a particular kind of "repertoire of contention". Repertoires of legitimation focus our attention on the different categories of practice and performance that different actors mobilise in claiming legitimacy.

Having introduced the concept of repertoires of legitimation, I next suggest concepts that can help analyse how the repertoires are constituted and employed. Obviously, not all actors use all (potentially) legitimating practices all times. How do they develop their own repertoires and how do they decide which part to play or employ at which points? I argue that the constitution of repertoires is done through *bricolage*, skilfully bringing together different elements. In employing the repertoire, actors "make do" (*se débrouille*) with the situation at hand.

I temper the voluntarism that the above concepts might suggest, by reminding that, like jazz performances, repertoires are created in specific cultural contexts. I introduce Sherry Ortner's concept of "serious games" (1996; 2001), which I think is useful for thinking through how intentions (for example to *bricole*) are culturally framed.

Morris Zelditch argues that legitimation is ubiquitous but is always auxiliary to other processes, always a dependent variable (2001). It may be a dependent variable, but as far as producing authority is concerned, it seems to be a lynchpin. For this reason, Chapters 6-9 analyse how the relationship between authority and control over resources is mediated through more or less successfully deployed repertoires of legitimation.

4. Methodology

The aim of this Chapter is to provide information on how the corpus of data was constructed and analysed, enabling the reader to follow the analytical procedures and to gain insights into "how I know what I know". In this Chapter I describe methods of collection and analysis, and reflect on issues of reflexivity, positionality and ethics. While not intended as an exhaustive account of my methodological journey, this Chapter should provide insights into the process of knowledge production I have undertaken over the past five years. In the process of writing up this Chapter, I have inevitably smoothened some of the rough edges of this fragmented process. That being said, I nevertheless draw attention to some of the fields of tension that emerged during fieldwork and as I wrote this thesis.

Through the looking glass…

The title of this section alludes to Lewis Carroll's classic nonsense adventures featuring the decidedly no-nonsense heroine Alice. *Through the Looking Glass, and What Alice Found There* is Lewis Carroll's sequel to the better-known *Alice in Wonderland*. In *Through the Looking-Glass* (2007 [1871]), Alice again enters a fantastical world. Wondering what the world is like on the other side of a mirror's reflection, Alice climbs up onto the mantelpiece, pokes at the mirror hung there, and discovers, much to her surprise, that she is able to step through the mirror into an alternate world. The room on the other side of the glass is very similar in some respects, but also has some very strange differences. "Looking-glass land" is "a most curious country" and definitely more than just a reflection.

The Alice books have been explored from just about every critical angle, and to contribute to that is not my intention here. But I would like to use the idea of a mirror that represents a distorted reflection, as well as mirrors being permeable, to introduce this section on research methods and methodology. This Chapter on methodology and methods serves to give some indications of the variety of mirrors I both looked through and saw myself in during my research. It should also provide such a mirror for the readers of this thesis, allowing them to step into my work.

Illustration 3: Through the looking glass

Source: Drawing by John Tenniel, in Carroll (2007 [1871])

The metaphor of travelling through a mirror speaks to my personal experience of conducting research on several levels. Like Alice, the researcher has a great curiosity for knowing what life is like in other worlds and is willing to immerse themselves in them, with all the confusion and discomfort this can entail. Before starting my PhD, I had been living in Nepal and working as a governance advisor with the Nepal Swiss Community Forestry Project. Going from that kind of work to conducting research in Nepal was a bit like stepping into “looking-glass-land”. Small things were different, such as modes of transportation, as well as big things, such as the amount of time I could spend in one

place. Rural Nepal was rural Nepal as I had known it and yet since I was looking at quite different things, and in different ways, and for longer, things appeared quite different.

In Michael Burawoy's eloquent words: "it is by mutual reaction that we discover the properties of the social order. Interventions create perturbations that are not noise to be expurgated but music to be appreciated, transmitting the hidden secrets of the participants' world" (1998: 14). As my intervention as a researcher was different than my intervention as a "development worker", the music thus created was different. Though the difference was generally perhaps more one of key than of an entirely different melody.

While moving to the other side of the mirror allowed me to observe different things in "looking-glass-land", it was also a good vantage point back to the other side of the mirror. I looked, as a researcher, back at some of the work I had done as a development worker. In this sense, the mirror was and continues to be a two way one for me. Moving back and forth between the two sides of the mirror can be a jarring experience, but it is also a rewarding one. It is rewarding because it provides you with a different perspective and analytical distance through which to observe realities, including those of different professional environments. Discomfort experienced when (re-) entering "the field", or indeed academia, can also be analytically useful (Giabiconi, 2013). Indeed, it can be an instance of what adult learning theorists term a "disorienting dilemma": an event in which usual ways of responding to situations become ineffective, prompting self-examination and a re-assessment of assumptions and beliefs (Farnworth et al., 2007: 33; Mezirow, 1981: 8).

Though not mentioning Alice explicitly, Michael Herzfeld also employs the metaphor of a looking-glass in his analysis of Greek ethnography as a mirror for an ethnography of anthropology itself (1988). A mirror presents us with an inversion rather than a simple reflection and, as Lewis Carroll also suggests, things may thus be seen better by being seen in unfamiliar ways. In a later work on the practice of ethnography, Herzfeld also makes reference to mirrors, arguing that ethnography consists of a combination of comparison and reflexivity, a consideration of the Other in relation to the Self (2001). He writes that: "In the pursuit of a social intimacy that can generate cultural understanding, ethnographers see themselves in a growing variety of local mirrors" (2001: 260). We now turn to describing this variety of mirrors.

Reflexivity

*"*Homo academicus *relishes the finished. Like the* pompier *(academic) painters, he or she likes to make the strokes of the brush, the touching and retouching disappear from his works" (Bourdieu and Wacquant, 1992: 219)*

Using a metaphor similar to that cited above, in his much cited essay, Edward M. Bruner wrote that "every ethnographer inevitably leaves traces in the text" (1993: 2). My aim here is to provide more than mere traces. Or: it is to make the brush strokes more visible. The purpose of making the brush strokes more visible is to situate myself within the knowledge production process. According to Jay Ruby, to be reflexive "is to insist that anthropologists systematically and rigorously reveal their methodology and themselves as the instrument of data generation" (1980: 153). More specifically, Ruby suggests, it is to illuminate the "backstage" of the triadic relationship between producer, process and product.

As Gillian Rose points out, particularly in critical scholarship, reflexivity is often suggested as a strategy for situating knowledges and avoiding false neutrality or pretensions of universality (1997). And yet actually doing it is extremely difficult. Rose writes, "assuming that self and context are, even if in principle only, transparently understandable seems to me to be demanding an analytical certainty that is as insidious as the universalizing certainty that so many feminists have critiqued" (1997: 318). Rose thus advocates position or stance of uncertainty – an issue we will return to at the end of this Chapter with a discussion on liminality.

Given that I had the opportunity to do my PhD research in a general context that I was already familiar with from previous work, the question of reflexivity was one that accompanied me throughout the process of working on the PhD (see also Hollenbach, 2014). While "researchers often need considerable contextual knowledge even to recognise phenomenon of interest" (Poteete et al., 2010: 6), this contextual knowledge should not be taken for granted. Rather we need to constantly ask ourselves: how do I know what I know?

Reflexivity in research is a process of critical reflection both on the kind of knowledge produced from the research and how that knowledge is generated by the researcher in interaction with the world. Pierre Bourdieu has suggested that the reflexive process comprises taking two steps back from the subject of the research (1992). This is akin to

the first step posing the “What do I know?” question and the second step asking the “How do I know?” question. Reflexivity in research is not a single step but a process—an active, ongoing one that saturates every stage of the research. A reflexive researcher is one who is aware of all these potential influences and is able to step back and take a critical look at their own role in the research process. The goal of being reflexive in this sense has to do with improving the quality and validity of the research and recognising the limitations of the knowledge that is produced. I would also note that I have found reflexivity to be a very valuable, if challenging, practice to employ in my development work as well.

Methods

Producing a “field”, serendipity and selection

In this section I would like to give some insights into how the particular fields I ended up working in were conceived and produced as objects of study. I am certainly not unique in researching from an academic point of view a context or issue I had previously engaged with practically. In the domain of development studies, a whole genre called “aidnography” has developed. As Jeremy Gould writes, the “path to aidnography is trodden by development scholar-practitioners in need of a pause for reflection and by academic/activist-consultants who have emerged from a pragmatic engagement with aid/development with more questions than answers” (2004: 5). Indeed, this was the path that I myself initially set out on. One of the early ideas I had for this thesis was to research the strategies and tactics employed by development actors to “navigate” through the choppy, narrow channel of operational space in between the state security services and the Maoist rebels during the war. I originally set out to explore the war-time experiences of local/field based staff of NGOs (social mobilisers and the like) and state official (VDC Secretaries and line ministry staff such as agriculture extension officers). An additional entry point was to look at community forest user groups (CFUGs) as they were considered to have been among the more “resilient” community based organisations (or indeed organisations of any kind) during the war (BK, 2010; Nightingale and Sharma, 2014).

A distinctive feature of the kind of qualitative research that I have conducted is the iterative character of its process. Qualitative research uses the unexpected or the

puzzling as both entry point and source of insight (Flick et al., 2004). Some puzzles I had in mind already before starting fieldwork, such as how political practice transforms from the violent oppositional confrontation of war to the apparently opposition-less paradigm of consensus (see Chapter 6). Other puzzles were discovered while in the process of fieldwork, such why Gansnu forest (pseudonym) at the border of Salyan and Rolpa has not yet been handed over as a community forest (see Chapter 8). Further puzzles developed while in the process of analysing data and exchanging findings with colleagues, such as the extent to which the legitimation process of post-war politics in Nepal and Sri Lanka is "same same, but different" (see Chapter 9).

Solving a research puzzle is a complex and nonlinear process. While this chapter is structured with a chronological logic (producing the field, collecting the data, analysing the data, validating findings), my actual practice was much more iterative. Already during fieldwork, I analysed and discussed parts of the collected data, and a significant amount of analysis was done in-between the fieldwork phases. This allowed me to react quickly when opportunities presented themselves and to follow up on potentially interesting leads. It also allowed an adaptation of the research focus itself – for example from a focus on war-time to post-war contextualized more broadly. Rather than following a given line of thought without veering, this process allows the researcher to enter into a more open and exploratory dialogue with and around subjects of interest. It nevertheless requires a certain amount of creativity, flexibility and courage. As Burawoy has written "we need first the courage of our convictions, then the courage to challenge our convictions, and finally the imagination to sustain our courage with theoretical reconstruction" (1998: 20).

I approached the construction of a field or multiple fields through a case study orientation. This means that rather than looking at a very general level, I identified a number of cases – both in terms of localities and analytical entry points. The idea was to go in depth on a very specific point of focus. This approach has both benefits and downsides. With respect to the former, "case study research essentially puts complex relationships under a magnifying glass so that closely interwoven strands can be teased apart. In this manner, case study research leads to sharper distinctions between related yet distinct concepts and phenomena, greater appreciation of multidimensionality, and more conditional hypotheses" (Poteete et al., 2010: 35). On the other hand, it is more difficult to generalise on the basis of such a small sample.

Finally, I would like to add a couple of words about serendipity and the role this played in the construction of my fields. Isabelle Rivoal and Noel Salazar suggest that the term was coined by the 18th Century English novelist Horace Walpole, based on a fairy-tale in which the main characters travel around making fantastic and unexpected discoveries (this sounds not unlike Alice in Wonderland, I might add) (2013). According to Rivoal and Salazar, Walpole "not only stressed the element of fortune or chance as part of the practice, but also that the discoverer needs to be 'sagacious' (knowledgeable) enough to link together apparently innocuous elements in order to come to a valuable conclusion or understanding … This requires sufficient background knowledge, an inquisitive mind, creative thinking and good timing" (2013: 178).

My discovery of Gansnu forest, which is the basis for Chapter 8, is but one example of such serendipity: In 2011, I visited the mid-Western hill district of Salyan for the first time. I was interested in learning about community forest user groups' strategies for "living between" the army and the Maoists during the war. In the district headquarters I met with staff from the former British-funded forestry project LFP. I interviewed them about their own experience of project implementation during the war and then asked them if they could recommend some CFUGs that would be interesting for my study. I visited a few that were relatively close to the district headquarters, just to get a sense of issues at stake. They then recommended that I visit another CFUG farther away, on the border with Rolpa. This was considered a model CFUG – the forest concerned was one that had basically been replanted by the community itself and they had made several attempts to protect it during the war.

My research assistant (Gitta Shrestha) and I visited this CFUG and started exploring forest governance issues, particularly war-time negotiations. I soon noted that this CFUG was indeed a model one, with investments in re-planting, detailed record keeping and a well-organised forest monitoring and work plan. I was quite surprised, therefore, to observe that the hill opposite was covered with what seemed to be a very lush forest. *Why would people have invested so much in re-planting a new forest, when there was a rich forest right on their doorsteps?* They did so, they explained, because the new CFUG was "theirs" whereas the older forest still belonged to the District Forest Office and they were not supposed to use it. In the mid-hills of Nepal, where the management of huge swathes of forest land has been "handed over" to local communities, finding a forest in an accessible area that has not yet been handed over is somewhat anomalous. This was serendipitous: finding an anomaly, recognising its significance and unravelling a story that turned into a fascinating case study.

Beyond the serendipity of their discovery, the selection of case studies was based on a purposive sampling technique. This means that the cases were selected because of particularly interesting features – in particular: anomalies and puzzles. Examples include the case of Gansnu forest described above, or Kamthola VDC (pseudonym) with its apparently highly functional system of consensus decision-making (see Chapter 6). The initial choice of the districts of Surkhet and Salyan was motivated by their wartime status as districts on the border of the Maoist base areas that were affected by both armed forces. Within the districts of Surkhet and Salyan, the localities of Kamthola and the area around Gansnu are both relatively accessible to the district headquarters. This means that district-headquarters based civil servants are present at least from time to time (this is not the case in more remote parts of the districts), which allowed me to analyse their role. With regards to the local civil servants I job shadowed (see below), I selected two who had a long enough professional career to have experienced the pre-war years in their post. They could thus offer reflections on changes they had observed throughout the period since the early 1990s. The willingness of my informants themselves was a further criterion. For example, not all the local politicians I initially assessed seemed particularly keen to invite me to participate in all the different political meetings they attended. Access to informants was facilitated through snowballing techniques, with initial contacts based on connections through development projects (i.e. the case of LFP cited above), former colleagues or contacts made through attending different events in the district headquarters.

A final somewhat intangible factor is interpersonal relations. The selection of cases was influenced by an assessment by my research assistant and I that we would feel comfortable living in the home of a certain politician, or job shadowing a certain civil servant. Compared to other research methodologies, ethnography relies more on good and trustful relations between informants and the researcher. The “unreliable informant” remains a significant possibility, but having a range of different contacts who are from different social networks and participating in general social life of the locality can help to mitigate this risk. This reliance is both an advantage and a disadvantage of ethnographic research, in terms both of the reliability of findings and experience of conducting fieldwork.

I discussed all of these criteria in great detail with my research assistants, and to a lesser extent with my PhD supervisor. I did not have a specific checklist of criteria, nor a system for weighting them. It was more an overall and collective assessment of what made sense for my research (would help in answering the research questions) and the

conditions under which the fieldwork would be conducted (a situation where we would feel well). Of course, this has affected my findings in several ways. For example, my assessment of the role of local public administration actors is more positive than if I had worked in a very remote area, or if I had job shadowed civil servants who did not perform their duties.

Certainly, my sample of cases is extremely small and is oriented towards localities where both villagers and local civil servants are relatively active and empowered (because I started out looking for cases where people had attempted to actively negotiate being "in between" the Maoists and army/police during the war). It would be unwise to attempt to make generalisations on this basis alone. This can, to a certain extent, be mitigated by reference to my own earlier work in different parts of the country, discussion with key resource persons including members of my PhD committee who have worked on similar issues, and reference to secondary literature. Furthermore, I have tried to be as precise as possible about the claims that can be made on the basis of the data I have collected and the analysis I propose.

Data collection

In constructing the corpus on which this thesis is based, I employed a wide range of qualitative data collection methods. The approach can be characterised as a kind of empirical eclecticism. As Jean Pierre Olivier de Sardan has written: "fieldwork takes advantage of every available means. Its empiricism is resolutely eclectic and builds on all possible modes of data collection" (2008a: 71, my translation). Through the different methods I wanted to try and access people's perceptions from a variety of different angles and to triangulate both what one person said through different methods and what different people said about the same event/situation.

Each method has its advantages and limitations and, as Amy Poteete and colleagues point out, all methods generate results that contain some level of uncertainty (2010). However, the aim of constructing a multi-dimensional and yet focused (on a limited number of cases) corpus was to provide the means for a very close examination that would allow me to identify conceptually important distinctions, disentangle complex relationships and trace different sequences of events. I agree with Olivier de Sardan when he writes that "fieldwork is first of all a matter of know-how, and makes use of intuition, improvisation and *bricolage*" (2008a: 45, my translation). The data collection

approach I took has allowed me to *bricole* a more multidimensional analysis, permitting me to "translate highly abstract problems [like authority] into thoroughly practical scientific operations" (Bourdieu and Wacquant, 1992: 221).

The methods of data collection that I employed are described in the table below. They include a range of observational (job shadowing) and interactional (interviews) modes, the production of visual (maps) and spoken (interviews, informal interactions) data, as well as the collection of data from other sources (review of legislation, review of information previously collected). I was able to contrast what I learned from how people spoke about their actions (through interviews), with what I learned from observing what people actually do (job shadowing, participant observation). Some of the methods were useful for collecting primary data (interviews, participant observation, job shadowing). Others (stakeholder mapping, institutional life history) served as a first step in analysis that could be shared with informants to both validate my interpretations and to gather additional information. Several of the methods involved quite a close imbrication in the daily lives of my informants (job shadowing, participant observation), and I am very grateful for their acceptance of this. Each of these different methods provided different insights and perspectives into social and political situations.

Table 3: Methods of data collection

Method	Usage	Outputs
Participant observation	• Hanging out in the bazaar, at tea shops & at *chautari* (resting/meeting places) • Living in the home of two local politicians in Kamthola, observing comings and goings and informal meetings at their houses • Attendance at a wide range of public and closed meetings • A total of six months spent in "the field" in Surkhet and Salyan (in three rounds)	Field notes (either taken directly at the time, or after the fact). This data was used for all chapters.
Job shadowing	• One week spent following the daily work of a VDC Secretary and one week following an Agriculture Extension Officer	Field notes. This data was used for Chapters 6&7.
Informal conversation	• Innumerable informal interactions both with my key informants, as well as with other people met while walking to and from the bazaar, other wards, etc.	Field notes (written down after the fact) This data was used for all chapters.
Participatory (resource) mapping	• With various informants in the Salyan/Rolpa border area, to get a sense of how they	Several maps hand drawn by informants,

Method	Usage	Outputs
	understand the border, issues of resource placement, use, access, etc. • Generally done together with a small group of informants with whom some trust had been established	notes of discussions during map-making. This data was used for Chapter 7.
Institutional life history	• Like a classical life history of a person, but focussed on an institution (i.e. a CFUG or VDC), with the aim of identifying incidents and events that would be useful to look into more, as well as how things had changed over time • The timelines were drawn up after a few interviews and then cross-referenced in subsequent interviews and informal conversations to clarify to the extent possible	Notes, timelines, principally of the two VDCs I lived in, and the two CFUGs I interacted with most. This data was used for all chapters.
Stakeholder mapping	• Information on the relationship between the different positions and personal or institutional relationships certain people might have (i.e. family relationships/*afno manchhe* relationships plus the politician/social worker nexus) • The maps were generally drawn up after a first interview and then later re-discussed informally at a suitable time	Several maps hand drawn by me. This data was used for all chapters.
Semi-structured interview	• Generally used in more formal encounters (ie. in a first meeting with local civil servants), or when I wanted to be particularly sure to have comparable data on an issue • A number of interviews conducted with "experts" in Kathmandu to triangulate my findings • Overall approximately 100 interviews conducted	Written notes (2 sets - both mine and those of my research assistant). This data was used for all chapters.
Review of legislation, guidelines and other documents such as maps	• Used to get a sense of the "counterfeit reality" – to what extent practices are divergent from the written guidelines • Attempts to track down some written documents, such as the original *raj patra* (see Chapter 8) were not successful	Notes. This data was used for all chapters.
Review of information collected previously	• In my work with the Nepal Swiss Community Forestry Project I had researched local development planning (in other districts), and had notes from interviews with local civil servants and political leaders, and stakeholder/power mapping exercises. I used these both as a data source (for example the interviews with VDC Secretaries are included in Chapter 7) and as a point of comparison.	Coding of previously taken note. This data was use for all chapters.

The photo below was taken when I "job shadowed" a VDC Secretary in Surkhet. This simply meant following him around for a week and observing his different interactions with officials at the district headquarters and with citizens in the VDC. It was a good way to get a sense of the regular issues a VDC Secretary is faced with. Of course his responses were likely affected by my presence as observer. But even small observations are telling: the VDC office was often quite full of men waiting to speak to the Secretary and just hanging out. Women waited outside and only entered the office when it was their turn to speak to the Secretary or when the document they were waiting for was ready. The photo shows the VDC Secretary I shadowed (centre), walking along with two colleagues. They explained that when possible they prefer to travel together for security reasons (sometimes they can carry large amounts of cash, for example if they have to distribute pensions).

Photograph 3: Shadowing VDC Secretaries on the road

Source: Sarah Byrne

I did not make audio recordings during my research, as I wanted interactions to be as informal as possible. Likewise, I tended where possible to try to keep note taking during interactions with people to a minimum – focussing on key quotes and things I wanted to

be sure not to forget. The exception was during times when I was particularly tired – then I took copious notes in order both to stay focused and to have a record that I could analyse better later. In general though, my aim was not to have a perfect record of everything that was said, but to try to understand the informants' point of view on the issue at hand. After the interview, my research assistant and I would both write down our notes from the interview. Through two sets of notes I aimed to reduce the risk of missing something important. It was also useful to note different interpretations between research assistants and myself, and to seek further clarification from our informants.

Analysis and interpretation

In this section I would like to share some insights into the process through which I analysed and interpreted the data I collected through the methods outlined above. As Ezzy reminds us, "qualitative data analysis is an *interpretive* task. Interpretations are not found – rather they are made, actively constructed through social processes" (2002: 73). Though the structure of this chapter may suggest otherwise, analysis and interpretation is not a "step" that comes after data collection. Interpretation is incorporated in the process of producing empirical data and is also mobilised in the process of analysing the data. For example, the data I collected was already steeped in the interpretations and perceptions of reality of both my informants and translators/research assistants. I was also constantly working on my own analysis and interpretation during and in between fieldwork phases and checking these analyses back with my research participants. While these two modes of interpretation can be distinguished conceptually, in practice they are tightly interwoven.

The main basis for my analysis was the outputs described in Table 3 above – notes, maps, diagrams, other texts. However, it is important to note that there is an inevitable gap between even the most comprehensive field notes and lived experience. Analysis and interpretation are difficult to describe, simply enumerating the different operations I engaged in does not quite capture the slightly ephemeral dimensions of intuition, inspiration, "light bulbs" and Eureka moments. Simons suggest that interpretation is an "understanding and insight you derive from a more holistic, intuitive grasp on the data … Interpretation is a highly skilled cognitive and intuitive process, often involving total immersion in the data, re-reading transcripts, field notes, observations and other forms of data in the data set" (2009: 117). Ideas are generated from data, but data also changes ideas.

The above two caveats on the process clarified, my research was inductive and exploratory and I took this approach to analysing my data as well as producing it. I loosely coded my notes, I looked for themes and patterns and I examined potential connections and comparisons. I tried to uncover meanings and implications below the surface of words and mundane observations (such as the gendered access to the space of local government I described above). I was attentive to multiple truths and contradictions. I documented these in memos and diagrams.

I went back to the literature and tried to situate my initial findings in different contexts. This back and forth with theory has been an enriching process and will probably continue right up until the moment I cross the last T and dot the last I of this document. In D. Soyini Madison's words "engaging theory at its best is quintessentially revelatory and imaginative and can be as instrumental as light to help us see what was once obscure, distorted or unseen" (2012: 36). Most of my findings are not so much new discoveries as they are extensions or refinements of existing works that emerged out of a dialogue between my data and the work of other researchers.

What makes me confident that my interpretations are plausible? There are a number of factors favouring this. The first is that I employed a variety of different methods (as outlined above), strategically and opportunistically questioning the same informants on the same issue through different methods. Secondly, when collecting my data, I actively sought out contrasting discourses and interviewed those on the side-lines of my focus. Thirdly, I have compared my work to that of other researchers working on similar topics in similar contexts. Fourthly, I have presented most of this thesis (particularly Chapters 6-9) at different international conferences and parts of it (Chapters 6 and 9) have been peer-reviewed and published in international academic journals. Finally, and most significantly, I have shared many of the interpretations presented here with my informants and have sought their views. I feel strongly that "what informants say about our theories – their recognition of what these theories mean socially and politically, what ideological messages they bear, what motives their announcement and what impacts they presage – must be taken seriously" (Herzfeld, 2001: 260). Indeed, informants are themselves theorists.

Ethics

There are a number of ethical issues to be addressed when planning and conducting research in contexts so marked by inequality and poverty as rural Nepal. These range from considerations about how to "give back" or compensate research participants to how to address difficult social problems you may encounter during fieldwork, such as domestic violence, child labour, treatment of health-related issues, caste-based discrimination etc. While these are all important issues, and while I had strong and not yet fully digested responses to some of what I witnessed during my fieldwork, here I would like to reflect on issues of representation and conflict sensitivity. The latter is something that played a role in defining my research focus, and the former is something I have struggled with as I write up my findings. I focus on these issues because of their specific relationship to the research process, rather than general difficulties of immersing oneself in a different social and cultural context.

Representation(s)

When I began the process of writing up my research findings, presenting them in academic conferences and publishing some of them in academic journals, I found myself faced with a certain representation crisis. I started to question my own role as producer (or at least replicator) of certain representations of other people's lives. While I am relatively confident of my analysis, and have integrated several feedback loops into my research process so my key informants know what I am saying about them, I was not fully cognisant before setting out of the serious power dynamics inherent in such a process. Of course this is not a new topic to feminist geographers. As Lynn Staeheli and Victoria Lawson point out:

> "When Western feminists enter developing settings, they cannot escape the power relations that exist between those societies or between themselves as academics and their research subjects, even when they wish to do so. Western researchers are in a position of power by virtue of their ability to name the categories, control information about the research agenda, define interventions and come and go as research scientists" (1995: 332).

In order to be specific, I would like to share two examples: one where I may have mis-respresented one of my informants, and one where I felt I was myself mis-represented. As the attentive reader will notice, I use quotations from my informants in my writing. Generally this is because I may find a particular turn of phrase to be more effective in

communicating than my summary of it. Some of my informants are exceptionally eloquent, and I wanted to give voice to that in my writing. In summer 2013, I organised two workshops in order to share my first findings both with policy-makers in Kathmandu and with local NGOs and my research participants in the mid-West. In the mid-West workshop, the participants were very happy to be invited, to hear what I had made of our hours of conversation, to be recognised for their role in the knowledge production process and to give me feedback. Overall, the reception to my presentation was very positive and the participants said they felt that I had represented their realities well.

However, one informant said he thought that in future he would have to be more careful about what he said to researchers. We had spoken informally, but he had not realised I was paying such close attention. He felt quite uncomfortable that his casual, off-the-cuff remarks had been repeated (by me) in presentations I had made in different academic conferences. This is despite the fact that all of my data has been anonymised. He said he would perhaps have phrased things differently if he had known/thought about the distances his words would travel. He did not want to retract any statements (I asked), but was not comfortable with his informal views being repeated in very formal settings.

Though to a limited extent, I have also experienced being the subject of this kind of de-contextualising translation process. A researcher I had spent some time with during my fieldwork repeated a comment that I had made in jest and when I was not aware that my words were being recorded/noted. The quote was repeated in a publication as if it was said entirely seriously. Though in the publication the quote was attributed to a tourist, I was surprised at how strongly I felt about both my assumed privacy being violated and my words taken out of context.

These two experiences have led to a lot of critical reflection about how I use my research participants' words and opinions. My use of quotes and words from research participants may create the appearance of a multi-vocal text, but in the end it remains under my control as author. The writer has the final power of interpretation at the end of the research. In line with the questions this thesis is based on, I ask myself: why do I have the power to tell other people's stories and to interpret their lives? How do I legitimate this power (in my own perception, that of my research participants or that my academic peers)? From the start of my research I had made a kind of uncomfortable peace with the unequal distribution of benefits between research participants and the research conductor (me). The inequality in terms of voice and the different resonances of

research participants' interpretations of their own lives versus my interpretations is more difficult to accept, even proceeding as respectfully as possible.

Conflict sensitivity

The context in which I did my research can be characterised as post-war but not necessarily post-conflict. J. Christopher Kovats-Bernat has identified as a "dangerous field": "those sites where social relationships and cultural realities are critically modified by the pervasion of fear, threat of force, or (ir)regular application of violence" (2002: 208). In my case, particularly in Surkhet and Salyan, the situation was more one of the legacy of a recent past as a dangerous field. While the war itself is over (and has been now for several years), the main issues at stake have not been resolved, and neither has there been a comprehensive process of addressing the killings, disappearances, rape and other human rights violations carried out by both sides during the war (and after). The situation is thus somewhat unsettled and unresolved.

This affects not only how I acted in "the field", or what kinds of questions I thought it was appropriate to ask, it also affects how I interpret the data I collect. As Celayne Heaton Shrestha points out in her report on research into the implications of the Maoist conflict for national NGOs, "in the wake of conflict, part of the 'reconstruction process' involves making claims and reinterpreting what happened in the past" (2008). This research is unavoidably situated in such a reconstruction process and has to be cautious about how data is analysed in this context. Of course, this is true for any discussions with informants about the past but perhaps more is at stake when war-time or other traumatic experiences are discussed (for example, on fear see Pettigrew and Adhikari, 2009).

Invocations of "do no harm" are standard in method sections like this (though it is an aim that is almost impossible to realise). However, for me this led to quite an important shift in my research focus. In 2011, just before my second fieldwork phase, I attended a panel at the RGS-IGB conference on "Geography with Vulnerable People (1): Ethics". At this panel several different presenters shared their experience and strategies for conducting research with different kinds of vulnerable people, in particular their response to address any potential resurfacing of past traumatic experiences. I realized that these researchers were all working in very different contexts than me and in all cases there was some kind of psycho-social support available to the research participants.

Aware that this kind of support may not necessarily be available to my informants, and that I personally do not have such professional skills, I began to consider what some of the consequences for my informants might be if my research was so much focused on wartime experiences.[17] This was not to take away from the agency of my informants to decide what they wanted to share with me and to tell their own story in the way that they prefer. Some might indeed relish the opportunity to construct a narrative of heroism or resistance or the like. But for others it could be quite difficult to re-live those memories. Why insist on asking people to bring all that back up just for the sake of my research?

I had already noted in 2010 that people were not so keen to talk about the wartime, and were much more interested to talk about what is going on right now. So when I set off on my fieldwork in 2011, it was with some uneasiness about the wartime focus of my research. The serendipitous discovery of Gansnu forest provided me with an opening to adapt the focus. I followed this up in my research in Surkhet as well, decided to stay in one VDC where I had a good contact with the VDC Secretary and try to understand what post-war politics at the local level is all about. Of course, wartime experiences still came up in my research. But it was a more organic part of the conversation, initiated by my informants, than something I wanted to guide conversations towards.

I would like to emphasise that I recognise the important contributions made by researchers who have written about peoples' wartime experiences in Nepal. In many cases these researchers have longstanding relationships with the people whose experiences they analyse and narrate and were themselves also present in rural Nepal during parts of the war. Indeed, what I have written here in many ways benefits significantly from the insights generated by this research (particularly Pettigrew, 2013; Shneiderman and Turin, 2010). But my personal decision to re-orient my research towards the post-war period was informed, amongst other factors, by a consideration of the potential effects of my research questions on my informants' wellbeing.

Positionality and performance

The question of positionality and performance is complex and multi-layered. With regard to people's perceptions of the researcher (and their research), their willingness to talk

[17] Access to psychological and psychiatric care is extremely limited in rural Nepal. This is not to say that this is the only kind of support that might be helpful and people have certainly developed other coping mechanisms (Pettigrew and Adhikari, 2009).

to you and what they say to you is influenced by who they think you are. For example, in my fieldwork I soon found that I was both observer and observed. Particularly in areas not used to seeing "foreigners", I was as much a subject of study for my informants as they were for me. A number of (often inter-related) factors influence such interactions, including gender, race and ethnicity, age, religious background. Being a younger, white woman who tends to smile a lot, certainly affects the interactions I had with people. I give more or less prominence to different factors in different interactions, as do my informants. However, even if differently emphasised at different points, these and other factors all form part of my identity.

There are two issues of positionality that I would like to explore in a little bit more detail in the following sections. The first is the dual identity of being both a "practitioner" and an academic.[18] This is relevant on several levels. For example, the connections I was known to have to Swiss development cooperation and to community forestry certainly affected both the expectations people might have had of me and the information or opinions they might have expressed. The second is the relationship with my research assistants and how the interactions between our two personalities affected both data collection and interpretation.

The photo on the following page illustrates one of several moments of intersection between my different positionalities. For part of my research I was based in Surkhet and, in particular during the first year, I spent quite a bit of time in the district headquarters. Several of the local civil servants I interacted with lived in the district headquarters (Birendranagar) and travelled to their respective posts just for the day. So I did the same. The Swiss INGO Helvetas (later Helvetas Swiss Intercooperation) also has its mid-West regional coordination office in Birendranagar. The colleagues there welcomed my research assistants and I in their office. This was an excellent home-base for us – where we had access to electricity/internet, a group of colleagues we could bounce ideas off, and where we enjoyed much laugher and the excellent cooking of Madan Tharu, the office assistant/cook. In later years, when I moved my research to another part of Surkhet and to Salyan, it was still a preparation/resting stop on the way.

[18] I find practitioner a highly problematic term, especially in a thesis that focuses on practices. Academics, after all, also practice something. As I have not yet found an appropriate replacement, I am leaving the term for now.

Photograph 4: Lunch with colleagues

Source: Sarah Byrne

I was granted access to this space/group because of my former affiliation with another Swiss INGO and it certainly made my PhD fieldwork more secure and enjoyable. The photo shows my research assistant Anupama Pun, together with Helvetas colleagues Prabin Poudel and Govind Pandit enjoying lunch in the office “canteen".

Development researcher and development practitioner

There are a number of issues related to positionality that could be discussed here, but I would like to focus on what I have come to understand about my position as a development practitioner and development academic (both of which are generated as “outsider” positions in relation to the societies in/with which we work). Initially I had understood these as two separate professional positions that I could move back and forth in-between, signalling a shift with ways of dressing and – importantly- use of language. For example: a couple of years ago my colleague Pia Hollenbach and I organised a panel at an academic conference. We wanted to gather a group of people like us, who had moved back and forth between development practice and research. We entitled the panel, in true academic lingo: “The Production and Performance of Shifting Professional Identities: From Development Practitioner to Development Academic”.

In one of the papers presented, one of the panellists spoke about the concept of performance: “Up to then, I’d never conceived of myself of *performing* the identity of a conflict transformation practitioner – I *was* or *am* a conflict transformation practitioner; it’s not just what I do for a living, but it’s what I live and breathe, in how I approach and understand life/the world” (Parleviet, 2011). Like us, the panellist was embarking on a PhD after several years of practical work, in her case on conflict and human rights issues. The notion that what she does is some kind of a performance or a play was troubling for her. She continued that later on she came to understand that “the notion of ‘performing’ in relation to identity is a code word; academic code I hadn’t learned to decipher yet. This tells us something about knowledge production and validation in the academic world: using *code* words (like performance, or habitus), throwing literature references – this is a learned identity” (Parleviet, 2011).

In conceptualising a panel about different professional identities, our very title had served to reinforce a distinction. This was a distinction between the group of those “in the know” about the multiple meanings and theoretical baggage of words like performance and those not part of that group. And indeed, one could suggest that by consciously employing such code words, Pia and I were ourselves claiming and performing membership in that “in the know” group.

Researcher and research assistant/translator

The role of the research assistant or translator is a significant further layer in an analysis of positionality. Almost all of the spoken interactions I had (with the exception of a handful of interviews in Kathmandu) took place through translation. I worked with three Nepali women research assistants (Anupama Pun, Gitta Shrestha and Subita Pradhan), of my own age or slightly younger, all of whom had previous experience assisting foreign researchers and in two cases in conducting independent research in the frame of their masters theses or other assignments. The experience of these women was an invaluable support to my research: they not only provided translation services, but also assisted to organise logistics and analyse data. Even when I was not in Nepal, they maintained relationships, receiving phone calls from the families we had been living with and other contacts interested in nurturing “source force”.[19] And, of great importance to my wellbeing, they also provided friendship.

[19] Some informants thought that I could get them a job in an NGO, help them migrate to Canada, or invest in their business ideas. With a view to these perceived opportunities, it was important that contact was maintained and the research assistants were in the uncomfortable position of mediating this. The

What does this mean in concrete terms for my analysis? As Charlotte Aull Davies writes, research is far from a theoretically neutral activity and a researcher's particular perspective, both professional and personal, is influential (1999). When the translator is not the researcher themselves, but a research assistant, this second layer of both influence and interpretation must be analysed by the researcher. Thus, as Pia Hollenbach notes, "the researcher has to bear in mind that those translations, information and data always contain a great deal of the assistants' interpretations, reflections, subjectivity and positionality" (2014: 74). From my point of view, this implied, on the one hand, trying to understand as much as possible about the positionality of the research assistants themselves and, on the other hand, talking through the interviews after the fact to clarify meanings and probe further. Comparing two sets of interview notes (both my own and the research assistant's) also allowed me to identify discrepancies. Due to the repeated nature of my field visits, I was able to visit most localities with two different research assistants. Thus my analysis in each of the cases is not quite triangulated, but at least has benefitted from different translator/assistant perspectives.

In more than one case, the ethnic background (Magar, Newar) or family history (service in the Indian army) of one of the research assistants was cited by informants as a reason for giving us special treatment, whether more information or better services. In hiring research assistants I employed an "affirmative action" policy, looking in particular to provide an opportunity to members of groups who are currently under-represented in the Nepal research world. Interestingly enough, this was also commented on by some of our informants. They were interested in knowing how a young woman who was not from a particularly privileged background was able to access work opportunities with a foreign researcher.

Furthermore, in a situation where most of the spoken interaction went through a research assistant, their personality – in particular ease of making connections - also affected relationships in different ways. In an interesting article, Sarah Moser makes the case that her interactions with "locals" were based less upon biographies or external categories such as gender or nationality, and more upon unique individual social and emotional qualities (2008). In other words, *personalities* rather than *positionalities* were significant for longer-term interactions in the field. I think this is a significant factor that, as Moser suggests, deserves more recognition. I observed differences in how the

assistants themselves were also valuable resources being residents of Kathmandu. From time to time they continue to get calls when our informants visit Kathmandu for one or the other reason.

families we stayed with (and also I) interacted with the more reserved or more outgoing assistants. Of course this aspect of personality and emotional intelligence as affecting relationships and consequently research outcomes refers as much to me as it does to my research assistants.

I take my research assistants seriously as co-producers of my analysis and have tried to acknowledge this in different ways, such as through co-authorship (for example: Byrne and Shrestha, 2014). I consider the data that we collected together to be shared, and hope that it can be used towards the research assistants developing their own analyses. Indeed, the two research assistants who would like to pursue a career in research are currently working with some of this data. I have tried to make spaces for this available, for example by inviting my research assistants to share their own analysis of some of our data in different fora. I hope through these measures to contribute to balancing out some of the inequalities often found in such relationships (see also Sharrock, 2013a).

Liminality and multiple selves

I have come to understand that it is not so simple as shifting between one fixed identity and another (from development practitioner to academic and back again). As Lila Abu Lughod has written, the self is always a construction, never a natural or found entity, even if it has that appearance (1991). This has methodological implications. We do not have one "true self that we can choose to either hide or authentically share with others. Rather, we have multiple potentials and possibilities that different situations will evoke or suppress, make more or less likely and assign more or less positive values to" (Lerner, 1993, cited in Lincoln, 1997: 40). What (ethnographic) researchers and development practitioners have in common is a certain (required) facility for code-switching: learning the languages, rules, norms and aesthetic conventions of different contexts. These multiple potentials and possibilities can be expressed differently depending on the code one is using. We have many selves, and we use these strategically in different interactions. This can make it difficult to assess who is the "I" in critical reflections on reflexivity and positionality.

A number of interesting heuristic devices have been offered to better grasp the fluidity and fuzziness of identities and borders, particularly the one between development practitioner/academic. For example, Cathy Shutt (2006) suggests that practitioners/

academics inhabit a space of a “cultural borderland” (Rosaldo, 1993). A cultural borderland refers to a psychological space at the conjuncture of two cultures and a political space in which different groups actively fuse and blend their cultures. In this borderland individuals decide how much they want to identify with their cultures of origin or of adoption. Too much an emphasis on either can expose them to ridicule. In a similar vein, Rosalind Eyben suggests the anthropological concept of liminality to understand the space that development practitioner/academics inhabit (2014). Associated with rites of passage when one moves from one state in life to another, a key element of liminality is ambiguity - one is neither one kind of person nor another. Someone in a liminal situation is neither here nor there, neither completely inside nor outside a given situation, structure or mind-set, but rather lingering on the threshold. For Victor Turner, who elaborated the concept in detail, it is a space of great invention, discovery and reflection (1979). But it can also be destructive in nature, leaving to insecurity and chaos. To return to the question posed at the start of this chapter about whether fixing situated knowledge is really possible, I would like to suggest that the fuzziness of liminal positionality is perhaps an approach suitable to an uncertain reflexivity.

5. Setting the stage

The preceding chapters have sketched the "behind the scenes" of this research – the conceptual frame and the methodology through which data was collected and analysed. We now move to the front stage to present the four articles/chapters that are the "main attraction". Before doing so, I would like to set the stage in two ways. The first is to provide some contextual information on the empirical contexts in which my research was set. This is to give readers some sense of the places themselves in which the research is grounded. Secondly, I will provide a very short overview of the four articles, which should serve as a *clef de lecture* for the following chapters.

Introduction to Surkhet and Salyan

This fieldwork on which this PhD is based took place primarily in the districts of Surkhet and Salyan, in mid-Western Nepal (see the map in the Annex). Within those two districts I spent most of my time in a VDC in Surkhet I call Kamthola and in a locality on the border between Salyan and Rolpa around a small market settlement. For purposes of comparison, and before this focus became clear to me, I also visited a number of other VDCs in each of these two districts. I interviewed a number of VDC Secretaries who were based throughout these districts as well as other parts of Nepal, whenever and wherever our paths crossed. I also build on insights gained during briefer field visits I undertook while working in the Nepal Swiss Community Forestry Project in the Central/Eastern hill districts of Dolakha, Ramechhap and Okhaldunga.

Surkhet and Salyan are neighbouring districts in the mid-Western hills. Generally speaking, this region is located where the hills meet the Terai (plains). It is also where the more war-time "conflict affected" or Maoist dominated areas of the mid-West of Nepal border the less "conflict affected" ones. These sites are interesting from an analytical point of view, because they constituted, during the civil war, a kind of "buffer zone" between Maoist and government-controlled territories. They bordered on the Maoists' heartland and were neither fully under control of the state nor the Maoists. In other words: both authority claimants were present to some extent and who was in control shifted over space and time. With state representatives restricting their sphere of action to the district capitals and road corridors, the Maoists established their own

parallel regimes of local government. The pursuit of local livelihoods and the implementation of local development activities depended on negotiating a working space with both authority claimants, requiring a variety of strategies from resistance to compromise to collusion (see all chapters). While exploring these war-time "buffer zone" practices was the initial rationale of choosing to work in these districts, my findings lead me to conclude that these are both more longstanding and more continuous practices in a context I consider as one of "permanent transition".

Kamthola VDC, Surkhet, contains several hundred households with the primary settlement accessible by road and located in a valley in the foothills of the Himalayas. The primary settlement has a sub-health post, post office, a secondary school and several initiatives under various stages of construction, including a fishpond, a Buddhist monastery, a vegetable collection centre and drinking water schemes. Several teashops and general goods stores are located in the main market along the road and although electricity was not yet present during the time I was there, solar panels were ubiquitous. Agriculture is the primary occupation, with incomes complemented by family members working abroad. The VDC is connected to the district headquarters by a good quality road (travel takes approximately two hours). Thus a certain amount of development-oriented investments are present, though this rarely goes beyond the ward where the road, main settlement and political leaders are all concentrated. Like the district of Surkhet itself, the population of Kamthola is ethnically mixed and includes ever-increasing numbers of migrants from other more remote parts of the VDC, district and region. The main political parties are all present and active in the VDC.

In Salyan, my research was conducted in a border area between Salyan and Rolpa, where three different VDCs overlap. The border is marked by the forest that transverses it, as well as a small market/village. In the market there are a couple of tea shops, and shops selling agricultural supplies, medicine, and non-perishable goods. People from both districts use this market and many of my contacts were initially made there. The market is accessible by a dirt road from Salyan's district headquarters Khalanga (the connecting road was constructed in 2005). There are bus connections to Khalanga (in theory the trip takes one day) and then on to bigger cities in the plains. Libang, the district headquarters of Rolpa is not accessible by road (as explained above, the road is not finished). It takes about 8 hours to walk to Libang, which usually would necessitate an overnight stay. The main political parties are all present here and the area on the Salyan side of the border is well known for producing district-level political leaders. People living in the settlements around the border are mostly from the relatively less

disadvantaged Chhetri and Thakuri groups, and the extent of literacy, access to safe drinking water, etc are relatively high for the district.

While my conceptual reflections are based mostly on these two empirical settings, the empirical results in themselves should not be taken as representative of every local government in Nepal. In this very diverse country, it is unwise to make generalisations. The situation in more or less marginal localities, in social, political, economic or territorial terms, is likely to be different than what I describe in the following sections. However, my observations, and those of others, in other parts of the country suggest that these two localities are certainly not exceptional (see Byrne and Chhetri, 2010; Carter Centre, 2011a; Carter Centre, 2011b; Carter Centre, 2014a; Nightingale et al., 2012; Sharrock, 2013b; UNRHCO, 2011a).

These sites proved to be interesting for my analysis because of the extent, creativity and success of the practices of "making do" I could observe there. For example, the unofficial CFUG I found in Salyan provided insights into the longstanding claims for forest governance authority people in that locality had, and diverse ways of making these claims. Another example is the extent to which politicians in Kamthola insist on consensus and were open enough to allow me to sit in and observe how they achieve this. This provided insights to this process that would not have been possible in localities were local politicians made decisions in other ways (or even did not make decisions), or in localities where I would not have had such access.

Introduction to the four articles

As described in the introduction, this is a paper-based thesis and is composed of four articles (here Chapters 6-9) and a group of additional chapters providing "framing" insights (Chapters 1-5 and 10). Each of the articles contribute to answering the overall research question driving the inquiry, as well as their own specific sub-question. The table on the following page summarises the contributions of each of the four articles.

Table 4: Overview of the contribution of the papers

Paper	Research Question	Argument
Compromising consensus - Chapter 6	How does local government decision-making function in a context where there is no elected local government?	In practice, local government authority is worked out through a series of compromises. Central to the functioning of these compromises is the process of consensus, which serves to allow local government decisions to be taken and implemented through a) legitimating the compromises necessary to reach decisions; b) as a counter-political strategy, creating the conditions for civil-coexistence
Authorising bureaucracy - Chapter 7	How do local civil servants claim the authority necessary to get things done?	Local civil servants get things done through practices of "absent presence", persuasion and "rule talk". While these may appear eminently tactical, I suggest that we also examine them from a "life project" point of view, analysing the multiple other complex motives informing action.
Making territory -Chapter 8	How do communities claim authority over a contested forest?	Communities are engaged in competing territorialisations, which interact both with each other and with the territorialisation implemented by the state. This is a kind of territorialisation from below that both mimics and rejects state practices and its purpose is to claim forest governance authority (not only access rights). These claims are continuous despite repeated ruptures in rule.
Producing legitimacy - Chapter 9	Is the post-war period a return to "politics as usual" & what effect does this have on the registers in which politicians claim legitimacy?	The end of the war and the resumption of "normal" politics mark a shift in what is seen as legitimate politics, a shift which does not automatically obtain but is the product of political work. This shift constrains certain kinds of actors, tactics and registers, and it amplifies others. Specifically, the reduction of the space for dissent and the increase in the space for politicking are complementary outcomes of a shift in what constitutes legitimate politics.

Chapter 6 investigates the operation and effects of consensus as a decision-making mechanism. Consensus is a dominant (though increasingly contested) paradigm of Nepal's post-war governance, due in particular to the nature of the political settlement that ended the war. From the Constituent Assembly (see Snellinger, 2015) on "down" consensus is constantly referred to, but how it actually works is somewhat murky. In order to shed light on the workings of this process, this chapter examines a series of case studies related to local development planning and budgeting. On the basis of our analysis of local development planning processes, we show how contested local government authority is worked out through a series of compromises.

The process of consensus is central to the functioning of these compromises, and serves two important functions. The first is that consensus is used to legitimate the various compromises necessary for local government to function in a context where the rules and authority of local government are caught in a lengthy "transitional" ad-interim arrangement. Consensus also serves as a counter-political strategy that helps create the conditions for civil co-existence, or what has been termed "rough and ready civility" (Spencer, 2007: 165). This civil co-existence is an important enabling condition for local politicians to reach the compromises necessary for day-to-day decisions to be made. However, our material also shows that participating in consensus can also be compromising as it forestalls possibilities for political opposition and opens the door to various "irregular" practices (patronage, corruption, etc.). The latter are explored in greater depth in Chapter nine.

The seventh chapter explores how local civil servants produce the conditions of possibility for bureaucratic authority. Specifically, I looked at the everyday practices of local civil servants as they attempt to influence the distribution of such public resources as agricultural inputs and local government budgets. Other influential actors contest this influence, whether Maoist People's Governments keen to establish their support (during the war) or local politicians and the resurgent patronage and politicking (post-war, a topic explored in more depth in Chapter 9). In a context I characterise as "ordinary extraordinary", local civil servants employ a form of practice that has been termed "tactical government" (Feldman, 2005b). Expanding the work of Michel de Certeau (1984) to the realm of governmental practice, Ilana Feldman's concept of tactical government is purposefully limited and adapts to changing circumstances rather than engaging in strategic planning. According to Feldman, tactical government is a form of practice that produces sufficient authority for government to persist, even in challenging contexts such as Gaza. In this chapter I introduce three distinct forms of practice. Building on the work others (Nuijten and Lorenzo, 2009; Williams, 2011), I proposed the categories of "absent presence", persuasion (convincing, leveraging), and "rule talk".

However, in this chapter I also suggest that tactical practice only tells part of the story. Inspired by the work of Sherry Ortner, I argue that it can be insightful to enrich tactical government with an alternative approach to agency (2001; 2006). Ortner conceptualises this alternative as an approach to agency that considers (culturally informed) life projects. Such a suggestion is in line with recent work on everyday lives in situations of protracted violent conflict and insecurity (Korf, 2004; Lubkemann, 2008; Scheper-Hughes, 1992) and on the role of culture in producing civil servants/services (Herzfeld,

1992; Herzfeld, 2005; Nightingale and Ojha, 2013). I argue that reconsidering the examples that my categories of “absent presence”, persuasion and “rule talk” are grounded in through this lens allows us to uncover a wealth of additional layers of meaning to these practices. Looking at these two forms of practice together, in particular their interconnections, gives us a fuller account of the “conditions of possibility for authority” (Feldman, 2005b: 3). Furthermore, it allows more nuanced and detailed perspectives into the complex process of state-making.

In **Chapter 8** we shift our attention from the production of authority in local government, to the production of authority over a natural resource. We look at contestations of authority among and between different kinds of authority claimant, including (self-organised) groups of citizens. This chapter traces the “entangled landscape” (Moore, 2005) of ruling a contested forest in the Nepalese hills through decades of political transition, rupture, war and post-war stalemate. The chapter analyses the entanglement of rupture and re-alignment of contentious claims to political authority (by the forest department, the Maoists, district officials) and the continuities of group-level negotiations over claims to access forest resources and to formalise and get them recognised amidst these competing authorities.

As we have outlined in previous chapters, a series of unfinished revolutions, a civil war and a recurrently contested process of state (trans-) formation make Nepal a particularly relevant context in which to analyse how political authority is produced. Unpacking the process of making territory is central to this analysis, a process I understand as not simply the backdrop for state formation, but as a key constituent of it. I suggest that territorializing practices are foundational to state formation and show the messy and complex practices through which authority is claimed and legitimated, citizenship rights are asserted and defined, and property rights quite literally transform landscapes and resources.

In this chapter my co-authors and I advance three arguments: firstly, territorialisation is a multi-scalar process and constitutes a multitude of entangled political spaces. Where these spaces intersect, negotiation of their different boundaries and differently composed relationships between rights and authority gives meaning to such categories as “citizen”, “forest” and “state”. Secondly, we draw attention to the observation that the relationship between citizens and state in processes of territorialisation is not simply the dialectic of expansion and resistance. Citizens and groups of citizens have their own territorial strategies, which may resist those of the state, but may also adapt to, mimic

or reinforce them. In some cases, people's own territorialisation strategies can also be bids to gain explicit recognition by the state.

Thirdly, and paradoxically, territory as a specific set of political rules governing access to forests (among other things) can nevertheless be quite stable although the political landscape itself is highly fractured, contentious and experiences sequences of ruptures and continuous uncertainty. Though ruptures such as war and post-war political settlements may unsettle and reshuffle the territories of rule, or indeed lead to the appearance/disappearance of some, claims to political and resource rights endure.

In **Chapter 9**, I attempt to "scale up" my reflection, both through connecting my findings more explicitly to broader dynamics at a national scale and through bringing them into dialogue with the findings of a colleague whose research is based in a different context. Thus this is a comparative chapter that combines insights from my PhD, including some of those described in the foregoing chapters, with those of Bart Klem (2012b), whose PhD research was conducted in Sri Lanka. Bringing together ethnographic evidence from mid-Western Nepal and eastern Sri Lanka, this chapter is primarily concerned with processes of legitimation. We explore how political legitimacy is constructed and contested in post-war environments building on the similarities and differences between the two cases.

We suggest that in the post-war context there are important changes in the kinds of politics, agenda-setting, players and tactics that are considered acceptable and those that are rendered transgressive, threats to order and stability, or otherwise placed "out of bounds". The art of crafting political legitimacy is defined in sharp contrast to the immediate history of armed conflict. The end of the war and the resumption of supposedly democratic politics thus mark a shift in what is seen as legitimate or normal politics. This shift is itself a result of intense political work and its effect constrains certain kinds of actors, tactics, and registers and it amplifies others. We argue that a reduction of the space for dissent, and an increase of the space for politicking are complementary aspects of the redefinition of what constitutes legitimate politics in the post-war context. These adverse political effects are not simply problems of context – post-war environments being non-conducive to democracy – but rather expose the more fundamental fallibilities and contradictions of demarcating a legitimate sphere of democratic politics in particularly visible and precarious ways.

6. Compromising consensus

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Introduction

'Ideals may tell us something important about what we would like to be. But compromises tell us who we are' (Margalit, 2010, 5).

'You know, people are always accusing the Maoists of ignoring the rules. Actually the other parties also don't follow the rules. I insisted that the budget for disadvantaged people should be spent for that purpose, but what could I do? The other parties outnumbered me. In the end I agreed.'[20] This statement, offered as explanation for why local government budget allocation rules were not being followed, was given to us by a local Maoist politician. The situation he found himself in is one of an ad-interim arrangement of local government since the end of the term of the last elected local governments in 2002. Since then, democratically legitimated local governments have not been present in Nepal. This situation was mirrored at the national level in 2012 when the Constituent Assembly, elected following the Comprehensive Peace Agreement that brought an end to the decade-long civil war, reached its term limits (after several extensions).

The politician's statement raises an interesting question about local political practice in Nepal's 'post-conflict transition': Why is full agreement – consensus – so important to

[20] Interview (14.11.2011). In keeping with academic convention, the names of persons and locations have been changed. In keeping with the style guide of the journal in which it was published, interviews are cited in footnotes in this chapter.

decision-making in the ad-interim situation? In this paper we argue that consensus serves two important functions. The first is that consensus is used to legitimate the various compromises necessary for local government to function in a context where the rules and authority of local government are caught in a lengthy 'transitional' ad-interim arrangement. The second is that consensus also serves as what Jonathan Spencer has conceptualised as a counter-political strategy, one that helps create the conditions for civil co-existence, or what he terms 'rough and ready civility' (2007, 165). This civil co-existence is an important enabling condition for local politicians to reach the compromises necessary for day-to-day decisions to be made, including decisions on issues related to local development planning. In this sense, consensus serves as a kind of abeyance technique, putting contested issues 'on hold' to allow the daily business of local government to proceed without undue disruption. In other words, consensus produces stability in a 'transitional' context where this is an important political objective (see also Sharrock, 2013b).

Since the end of the decade-long civil war in 2006, the political context in Nepal has been labelled 'transition' as the political and constitutional setting of 'New Nepal' is negotiated. Amongst other characteristics, this transition is pervaded by uncertainty about local government, extending to what the rules of local government are, which ones need to be followed, and who has the authority to decide this. However, this is not the first major transformation of 'the Nepalese state' in recent or living memory (Baral, 1977; Gellner, 2007a) and the changes at a general level are also mirrored in the 'vacillating evolution' (Bhattarai et al., 2002) of several sectors, including local government (see Baral, 2008). Indeed, Harald Wydra's concept of "permanent transition" (2000) seems an apt descriptor for this context.

As part of the wave of enthusiasm for decentralisation that swept over Nepal in the 1990s, and key to reforms of the then newly democratising state, the Local Self Governance Act was passed in 1999. While officially the Act remains in place, its implementation was set aside as the civil conflict intensified in the early 2000s and rival 'parallel' local governments were established throughout the country by the Maoists (see Ogura, 2008). During this time many people in rural areas found themselves caught between the conflicting forces and conflicting governmental projects of the Maoists and the then Royal Nepalese government (for more on this period see the excellent analyses by Manandhar and Seddon, 2010; Pettigrew, 2013; Pettigrew and Adhikari, 2009). Towards the end of the conflict, interim arrangements for local government were established both by directives from the national government and through informal local

arrangements in attempts to peacefully collapse the 'two polity' (Shneiderman and Turin, 2010) situation of the conflict years back into one. In this transition authority is very much 'up for grabs'. This is because, as Andrea Nightingale and Hemant Ojha have pointed out, 'the conflict/post-conflict environment triggers politics where antecedent forms of authority are simultaneously challenged and reinforced' (2013: 30). This analysis mirrors that of previous political transformations, which bear striking resemblances to today's in this respect (for example, see Ramirez, 2000).

Building on the work of Tania Li (1999; 2005; 2007), we show that the uncertainty and confusion of local government authority leave, and indeed require, much room for compromise in the relationships between and among local government officials and local politicians. Compromise is a way of making things work when rules are unclear or impracticable and authority is contested. Our analysis takes a series of such compromises from our ethnographic study of the everyday practice of local government as entry points to exploring the consensus-driven politics that both legitimate and make possible these compromises. However, crucially, participating in consensus can also be *compromising* as it forestalls possibilities for political opposition and opens the door to various irregular practices. This entails a delicate balancing act for local politicians.

Such balancing is highlighted in the quote we started with. The Maoist leader who explained to us how it had happened that the budget funds earmarked for 'disadvantaged groups' were otherwise allocated emphasized both that he had contested this proposal and that he had in the end (after lengthy discussions) bowed to the consensus decision. He presented himself as a responsible politician both in that he had sought to uphold the rules but had also not caused an undue disruption in the budget decision process in defending them. He posed this giving way to the consensus as a contrast to the popular perception of Maoists' ignoring rules and using intimidation to get their way. And yet he made his opposition clear, maintaining his party's official stance in favour of the rights of disadvantaged groups (a key element of the Maoist platform on which the civil war was waged) and choosing to share the incident with outsiders such as us. This article explores these seemingly paradoxical aspects of political practices.

Compromises, consensus and counter-politics

As the quote that opened this paper suggests, not following the rules is a fairly widespread practice in Nepal, as elsewhere. Indeed, a retired senior civil servant advised us to keep the following in mind when researching authority in local government: 'it is important to know who makes the rules, but it is even more important to know who breaks them.'[21] The breaking of rules, or the discrepancies between what is written on paper and what happens in practice, takes place because a certain amount of compromise is necessary in order for government to function. This insight is inspired by the work of Tania Li, who employs the analytical concept of compromise to explore practices of rule. Li argues that we should pay attention to the various and varied details of how governmental projects are implemented, such as whether rules are enforced or not and the multitude of minor adjustments and intentional oversights from the plan necessary for ensuring the compliance of those to be governed. Li's work builds on and contributes to a voluminous literature on the many ways in which projects of rule are adapted, resisted and otherwise re-interpreted in their implementation, particularly at what might be termed a local scale (see, amongst many others, Ferguson, 1990; Gupta, 1995; Hansen and Stepputat, 2001; Scott, 1998). Crucially, these adjustments or compromises are not exceptions but rather an integral part of how rule is accomplished (see also Spencer, 2007).

Compromise is a particularly useful analytical concept for us because it carries ambivalence with it. As Li also notes, one can compromise but one can also *be* compromised. For example, in the quote we opened with, the local Maoist leader compromised his ideological principles in order to 'toe the line' of the 'consensus' reached among the other politicians. In other words, 'compromise is an ambivalent concept. It carries opposing evaluative forces …a positive notion signalling human cooperation, coupled with a negative notion signalling betrayal of high-minded principles' (Margalit, 2010, 6).

In our empirical context, the practice of compromise is deeply intertwined with consensus – consensus both creates the conditions for compromises to happen and it is an important part of the claims made to legitimate compromises. Unlike other authors who see compromise and consensus as opposite ends of a decision-making spectrum (see van den Hove, 2006), our analysis suggests that they are deeply inter-related, at least in our empirical context. Writing about quite a different political context, Richard

[21] Interview (01.12.2011).

Heffernan has suggested that consensus politics are a framework that structure what is considered to be politically feasible – 'the possible as the art of politics' (Heffernan, 2002). If compromises tell us who we are, as Avishai Margalit has suggested (2010, 5), then perhaps consensus tells something about what we can do (politically). Furthermore, not only does it tell us what we can do or what is possible, consensus can be a key factor in the production of political possibility (Snellinger, 2015).

Consensus is considered to be highly important to political decision-making in post-conflict Nepal and is explicitly stipulated in both the Comprehensive Peace Accord (2006) and the Interim Constitution (2007). However, consultation leading to consensus as means both to legitimate decisions and ensure their implementation has a long tradition in Nepal. The skills to listen to others and identify consensus positions are considered to be important leadership skills. Caspar Miller writes that through such consultation and consensus building procedures, a leader's 'thinking can be refined without the loss of face that would come from announcing a decision and then having it submitted to criticism and cross-examination and even rejection (in the form of non-implementation)' (2000, 167). When a decision-maker has the skill to facilitate a true consensus, then they are actually a decision announcer on behalf of the group, a position that adds to their prestige and perceived wisdom and benevolence (Miller, 2000). Consensual decision-making and authority thus mutually constitute and reinforce each other (Miller, 2000; Ollieuz, 2012; Ramirez, 2000; Snellinger, 2010; Suykens and Stein, 2014) – a point we will return to later.

The post-conflict emphasis on consensus has come under fire from Nepali political commentators, including C.K. Lal (2013), who writes that: 'unlike competitive politics conducted according to the rules of the game, the spirit of fair play, and acceptance of people's verdict in a sporting manner, the process of consensus is ill-defined. Nobody really knows how to arrive at unanimity over issues that are inherently conflict-ridden.' Lal also points out how consensus tends to temporarily hide, rather than resolve, contentious issues. Consensus makes it impossible to (openly) maintain differences of opinion, based on identity or ideological or other grounds. Consensus has also been linked to the alleged wide-spread practices of corruption, with the suggestion that local governance may be characterised as 'consensual corruption' (Bhattarai, 2010), or indeed that consensus has given way to collusion (The Asia Foundation, 2012).[22] Given Nepal's political history, it is perhaps not surprising that a political culture in which

[22] Allegations of corruption appear regularly in the media and public discourse, and such allegations were also related by my informants. However, I do not have any direct evidence of this.

opposition is cut off in favour of an all-encompassing single political vision (whether termed consensus or otherwise) sounds alarm bells.

The relationship between consensus and contestation has been an important one in recent (as well as more longstanding) debates in political philosophy. Writers such as Jacques Rancière (1999) and Chantal Mouffe (2005) suggest that consensus is a 'post-political' governance technique to regulate politics and the political by removing or silencing contestation and dissent. From a certain point of view, Nepal's post-conflict emphasis on consensus makes it a prime example of the kind of dislocation of the political that Rancière and Mouffe were writing about (though in admittedly very different political contexts). The point, succinctly put, is that 'consensus is pure deceit: It pretends to promote peace without admitting that stifling all opposition is its real intention' (Lal, 2013).

While this argument is not without reason, particularly when applied to Nepal's national political context, we think that the situation is more ambivalent than this analysis suggests. We argue that the kind of consensus-based governance practiced in our empirical context is not (only) post-political but rather deeply political in its rejection of pervasive modes of political practice. In addition to the post-politics outlined above, de-politicisation has also been identified as working through practices characterised as anti-political and counter-political. While the former works through concealment and the instrumental negation of politics (Chhotray, 2007; Ferguson, 1990), the counter-political aims to 'defuse the effects of the political' (Spencer, 2007, 178). We argue that the notion of counter-political – 'a self-conscious attempt to resist the logic of division' (Spencer, 2007, 175) better helps us to understand political realities in our empirical context. We argue that consensus (*am sahamati* – 'all agreement' in Nepalese) is a political strategy that helps create the conditions for civil co-existence and 'rough and ready civility' (2007, 165). Building on the insights of Celayne Heaton Shrestha and Ramesh Adhikari (2010), we argue that such politics is not merely a 'masquerade', nor merely the product of downplaying, avoidance or hiding. In this interpretation, consensus is not a deceitful stifling of opposition, but a rejection of a counterproductive opposition for opposition's sake (or that of enmity). Rather than the friend/enemy distinction central to some understandings of the political, counter-politics involves creating a relationship with the erstwhile 'Other', searching for dialogue and cooperation.

While we find Heaton Shrestha and Adhikari's analysis insightful, we differ from their categorization of counter-politics as a-political. We see the attempt to create an (at least

ostensibly) politics-free space as a very political move (Korf, 2010). In our understanding, counter-politics' attempt to create a space that is outside of politics, to actively overcome the limits of politics, to focus on policy-making rather than mere politicking – this kind of a boundary-making exercise separating counter-politics from politics as usual – cannot be anything but political itself. It moves (or discursively and practically attempts to move) the distinction from political friend/enemy to a distinction between a benevolent and responsible leader and one mired in 'dirty politics'. However, in practice this distinction is not as easy to trace as we have just suggested. We can discern both counter-politics and politics-as-usual in the words and actions our informants and these are played out in overlapping fields (see also Hasbullah and Korf, 2013). Perhaps then neatly drawing these kinds of binary distinctions is less important than trying to understand why our informants might suggest that they exist.

Compromise in practice: Local government in Kamthola

In order to shed some light on the everyday inner-workings of consensus politics, we turn now to an analysis of a series of compromises in the practice of local government. As we highlighted earlier, compromises are a useful analytical entry point for understanding the various ways in which governmental rule is implemented (resisted, adapted, etc). From among the range of issues local governments make decisions about, we focus on selected examples related to local development planning. These examples are drawn from research carried out in 2011, 2012 and 2013 in a locality in Surkhet district in the mid-Western hills of Nepal that we will call Kamthola. Our analysis builds on some 70 semi-structured interviews, as well as extensive participant observation, observer participation and 'hanging out' in the public life of this locality. In particular, we spent time 'job shadowing' the VDC Secretary (key local public administration staff) and lived in the homes of two different political leaders, thus affording us the opportunity to observe the many informal interactions and the 'behind the scenes' organisational work between important meetings. While our conceptual reflections are based on this empirical setting, the empirical results in themselves should not be taken as representative of every local government in Nepal. That being said, our observations, and those of others, in other parts of the country suggest that Kamthola is certainly not exceptional (see Byrne and Chhetri, 2010; Carter Centre, 2011a; Carter Centre, 2011b; Nightingale et al., 2012; Sharrock, 2013b; UNRHCO, 2011a).

Nepal's Local Self Governance Act (LSGA) refers to two main levels of 'local bodies' – Village Development Committees (in rural areas), municipalities (in urban areas) and District Development Committees. In this paper we focus on political practices at the Village Development Committee (VDC) level. Since the term of the last elected local governments ended in 2002, the executive authority granted to elected local governments under the Local Self Governance Act is delegated to local civil servants attached to central government ministries. Responsibility has been assigned primarily to the VDC Secretary, an administrator appointed by the Ministry of Federal Affairs and Local Development, as well as the 'in-charges' of the local Agriculture Office and the Health Post. Together these three civil servants are mandated to carry out the executive functions of local government enumerated in the Act, including local development planning, approving the VDC budget, levying and collecting taxes, administering allocated funds (such as pensions), monitoring on-going development works, coordinating the activities of line agencies, NGOs, etc. In practice the main responsibility falls to the VDC Secretary, with the other two civil servants providing more or less active support.

Among these functions local development planning (and related budgeting) features prominently, and yet the exact scope of the authority of the VDC in this respect is fuzzy. There are several reasons for this. A key reason is that the LSGA has never been fully implemented and services such as health, education or agricultural support remain under the purview of sectoral administrations rather than the VDC (as stipulated in the LSGA). Sectoral legislation in key fields, such as forestry, contradicts the LSGA over which institution has the right to manage local resources. Mirroring the situation in the state system, most NGOs prefer to do their own project specific planning rather than submitting to the authority of the VDC. Local development planning is thus fragmented among various different state and non-state local institutions. Thus despite the broad scope of the LSGA, VDC level planning tends to focus on the distribution of the VDC grant and, where possible, attempts to coordinate the disparate activities of other actors (see also Byrne and Chhetri, 2010; Inlogos, 2009). Despite the obvious gaps between what is written in the LSGA and observable practice, local authorities in Kamthola (civil servants and politicians) consider themselves to be working within the frame of this legislation and to be following the letter of the law to the extent possible. The LSGA remains an important point of reference and is often referred to as a source of authority.

As a post-conflict interim measure to integrate local politicians in decision-making, until such time as local government elections could be held, the Ministry of Federal Affairs and Local Development directed the creation of an 'All-Party Mechanism' at VDC and district levels. Such a mechanism had already been practiced informally in many localities. Each political party active in the VDC was invited to appoint a representative to the Mechanism, which served to advise the VDC. However, in the face of widespread allegations of corruption, the Ministry disbanded the All-Party-Mechanism in early 2012. Nevertheless, it continues to function 'unofficially' in many localities, including the VDC where our research is conducted (see also UNRHCO, 2011a).

As the preceding paragraphs have indicated, the context of local government in Nepal resembles a fairly 'complex tapestry of competing authority claims' (Mehta et al., 1999: 18). A number of different actors, sets of rules, procedures, consultative mechanisms, and deliberation and decision-making spaces vie for authority. How these competing claims are worked out in practice can vary from locality to locality depending on their political history, culture and economy. A recent study of the political economy of local governance in Nepal (The Asia Foundation, 2012) has suggested that factors such as a) the erosion of government legitimacy, b) an out-of-control emphasis on formal procedures, c) an entrenchment of the informal deliberative space and d) inherent incentives for the informalisation of local governance drive the increasing negotiability and informality of local government. It is relevant to note that these factors preceded the conflict in Nepal, and indeed are not unique to Nepal at all. For example, tensions between so-called formal and informal local governance institutions with competing claims to authority are widespread, particularly in contexts like Nepal's where the presence of the state has been relatively thin on the ground or contested (see, amongst many others, Berry, 2004; Korf et al., 2010; Lund, 2006b; Shah, 2007; Stepputat, 2001; Vandekerckhove, 2011). Indeed, even in contexts where governmental authority is not as 'fuzzy', contested or absent, processes of decentralisation, involving as they do transfers of power, have been fraught with contestations over authority and riddled with compromises.

It is these compromises that we will explore now in some depth, intending with this fine-grained empirical analysis to illuminate the counter-political consensus that both legitimate them and make them possible. We argue that compromises that work, that allow the everyday business of local government to proceed even in a challenging political context, are the result of painstaking political work. The practice of compromise is widespread in Kamthola and is essential to how the local government operates. This

is what makes this case of particular analytical interest in understanding the complex local-level political dynamics of post-war Nepal. In the following paragraphs we describe two different kinds of compromises related to local development planning that can be observed in Kamthola: a) a top-down compromise of local government rules (as suggested by Li) and, b) at the local level, compromises between and among local political leaders and local civil servants.

Adaptation of local government rules: 'If we follow the rules and regulations, nothing will work'[23]

The first aspect of compromise that becomes evident in discussing and observing local government practice in Kamthola is the many adaptations to the rules and regulations of local government in general and local development planning in particular. The rules are changed not simply because the local rule-makers, in this case the All-Party Mechanism (APM) and the VDC (principally the VDC Secretary) have the authority to do so, but because they find the rules impracticable for implementation. Examples of modifications of the rules abound, but here we examine modifications of the rules concerning how the budget is spent. The Local Self Governance Act envisaged three sources of funds for VDCs: 1. Own income (taxes assigned to VDCs and fees for services), 2. Grants from the central government (partially ear-marked and topped-up by a multi-donor local governance support programme) and 3. Allocations from sectoral ministries to cover the costs of devolved services, such as education. At the VDC level, grants make up the major part of the budget and have significantly increased in recent years. Officially, disbursement of the VDC block grant follows a rather comprehensive local planning process involving multiple consultations and a participatory decision-making body including representatives of political parties, NGOs and disadvantaged groups. The amount of the grant is partially based on performance according to a series of minimum conditions and performance measures, and a certain percentage of the budget is to be set aside for disadvantaged groups, capacity building, etc. The process and criteria are outlined in comprehensive grant mobilisation guidelines and manuals provided by the Ministry and the multi-donor program that contributes to the VDC grant.[24] However, like in many other contexts (Cameron, 2009), in practice, local governments make compromises in how the budget is spent and favour infrastructure investments over other options.

[23] Interview (10.03.2012a).
[24] See http://lgcdp.gov.np/home/policies_guideline.php

In Kamthola, compromising budget allocation rules is a widespread practice: 'it is difficult to work exactly as per the given title. Sometimes we are compelled to change the title due to its impracticability.'[25] An often-cited example, when asked about compromising rules, concerns funding of teachers' salaries. Budgets allocated from the Department of Education are never enough to cover the costs of local public schools and thus contributions are often made from local sources, such as forest user groups. However, a ban on timber harvesting and sales restricted forest user groups' income generating activities and thus their ability to contribute to schools' budgets. The elimination of this funding source put increased pressure on the VDC budget.

According to the guidelines governing the expenditure of the block grant allocated to VDCs by the central government, contributions from the grant can be made to paying teachers' salaries (in addition to the budget allocated by the Ministry of Education) under certain conditions and with a ceiling on the amount that can be spent. However, this amount is often substantially exceeded by manipulating records (Inlogos, 2009, 27). People feel that education is a priority, and teachers and principals are effective lobbyists, so a compromise is found. However, the paperwork has to be done correctly, so people dig in a field (for example) and everyone consents to documenting it as 'development work'. The funds allocated for this development work can then be spent on teachers' salaries or other investments.

Compromise among local authority holders: 'We have to gain consensus anyhow, we cannot keep arguing'[26]

Not only are there a series of compromises in transforming policy into practice in a top-down sense, there are also a series of compromises that need to be made amongst different authority claimants at the point of implementation. In these contexts, 'making things work' is not only interpreting policy guidelines in a practicable way, it is ensuring that other local actors are in agreement, or at least agree not to interfere. The policies, rules and regulations of the state, which state actors attempt to implement in a compromised way, have to find a compromise on their actual room to manoeuvre with respect to the policies, rules and regulations that other actors are trying to implement. It is this room for manoeuvre that makes our case particularly interesting.

[25] Interview (17.03.2012a).
[26] Interview (17.03.2012a).

Both the VDC Secretary and the political leaders feel that political decision-making is not the appropriate role for the VDC Secretary, particularly because he is not a local person, and thus that his role should be limited even though he presently has all the authority of local government (on paper). The VDC Secretary lamented his implication in political decision-making, that it is too much work in addition to his 'regular' job and the situation now approaches a 'world record' where bureaucrats have to deal with the pressures of political issues. No matter what he does he will be criticized: 'it is difficult to implement the guidelines. The community has different demands and expectations. This year we tried to follow maximum 70% of the guidelines and in doing so I was criticized by the whole community.'[27] The political leaders for their part felt that the VDC Secretary should not have his own opinion but rather wait for the politicians to find a workable local agreement, and then just support that.

However, this view that state representatives should not have any voice was not unanimously supported. After observing the in-charge of the police post at various seemingly non-police-related meetings, we asked him why he attended so many meetings. He replied 'when there is such a meeting invitation letters are sent to all government offices, including the police and the post office ... *We should have the right to speak and to observe things*'[28] (emphasis added). Another employee of the state, the principal of the high school, is a highly respected person and was often requested to give his opinion on a wide range of local issues. These are two interesting cases of actors who do not officially have local government authority but claim it or are granted it on the basis of their function, socially respected status and education.

Among the political leaders themselves, compromise is important because everyone has to be on board with the decision. If someone does not agree then there is a risk that he will create hurdles for implementing the decision. By agreeing to the decision all the leaders are also made responsible for it and a certain check and balance is ensured in that they monitor each other quite closely. They emphasise that this is the situation at the moment because there is no elected body; therefore no political party has the authority or the mandate to implement their own programme. In the interim they have to find ways of working together, even if this is a tiresome process.

Power issues are also quite evident in this process. For example, discussions continue until there is a consensus. It is not a matter of majority voting. Rather one dissenting

[27] Interview (17.03.2012b).
[28] Interview (23.11.2011).

opinion can keep the decision-making process going until he is persuaded to change his mind or drop his objection. This was explained to us with the following logic: 'If everyone gives consent the process comes to an end. No one can work in an individual way. If there would be an elected body it would be different. But since it is not there, everyone's consensus is important.'[29]

This process is particularly important and highly contested when it comes to selecting the chairpersons for the different user committees associated with development interventions. These posts are very important because that leader can then claim credit for all the benefits of the project. One of the more tense encounters we witnessed was the attempt to select a leader for one such committee. The discussions took place all day, with various small discussion groups forming and re-forming in a central field as consensus was sought. In the end it was proposed to go for an election but as one party, the Maoists, had mobilised more people to attend the meeting, the others faced certain defeat. Rather than having an election they therefore compromised on the Maoists taking the leadership of this committee while the other positions were split between the other two parties.

The chairpersonship of a committee of beneficiaries of a government sponsored drinking water committee was similarly highly contested. In this case as well, the notion of voting was rejected. As a failed candidate for chairperson explained: 'it would be difficult to work later if I became the chairperson by voting. I might not have the support of the others.'[30] However, after some months of negotiations failed to reach a compromise on the chairperson, and the failure of these negotiations was holding up the implementation of the project, it was decided to select one of the two remaining candidates at random. This solution – to choose by drawing a name from a hat - at least seemed to have reached consensus.

The limits of compromise: 'Those who are not good at speaking, they are obviously dominated by those who can speak well'[31]

Although compromise is widespread, as we have outlined so far, it is also limited in terms of who can participate and in the extent to which it is politically attractive. Not everyone gets to participate in compromise, and you have to have a certain power and

[29] Interview (10.11.2011).
[30] Interview (05.03.2013).
[31] Interview (14.03.2012b).

a certain voice in order to gain access (see Roy, 2013 for alternative strategies). This was most frequently evoked in reference to getting a share of the VDC budget, or in discussing how the budget for disadvantaged groups has been mis/alternatively used. Everyone seemed to be clear that the main local development planning and budget decisions were taken behind closed doors with only some 'big people' in attendance, and that many of the decisions had been taken even before the meeting itself. Public discussion was just a formality. Thus compromise is something that only some people can participate in, compromise is among local authorities and not necessarily between politicians and citizens. It might bind the political actors together around a common decision, but it does not make them accountable to local people. In the absence of elections, there are few mechanisms by which politicians are accountable to other citizens for their compromises.

Furthermore, being active in politics is a time-consuming affair. In this sense also, a role in politics, and thus access to compromise processes, is restricted. Local political leaders have to attend a huge number of meetings, both in their role as political party representative and also in their 'social' role as leader/member/advisor of a number of local committees. When interviewed, most local political leaders gave their occupation as 'social worker' and it was not unusual for them to list 6-8 different committees they contributed to. Building social standing and trust through social work was a transparently articulated political profile building strategy (see also Byrne and Klem, 2015; Ollieuz, 2011; Ollieuz, 2012).

The second limitation of compromise is that it is not necessarily compatible with political party competition. If all the parties have to come to an agreement then it is difficult for one party to take credit for this or that aspect of the decision. As we indicated above, this was causing some problems for the Maoist leader as his attempt to re-draw the local Maoists as people who follow the rules was incompatible with the kinds of compromises the other political leaders felt it necessary to make. Other such incidents were recounted where one or the other party was accused of trying to take too much credit. In Kamthola there is already a certain amount of jockeying for political position, even with local elections nowhere on the horizon. Already one political leader expressed the view that the All-Party Mechanism was only there to distract the political leaders: 'the APM is just a plaything, a way to engage people in something, to divert their attention, to make them happy. I am talking about the system which, in my opinion, is not good.'[32] Most of our

[32] Interview (10.03.2012a).

respondents indicated that an elected local government would be much preferable to the current situation because then at least someone will have the proper authority to take decisions. This centralisation of authority, from the rather more diffuse authority landscape of today, makes of local elections a highly contested prize.

Conclusions: "We can say that consensus gives the process its legitimacy"[33]

Consensus is the order of the day for political decision-making in Kamthola, if for no other reason than the practical one that 'we have ample live examples before us that teach us that fighting is not good.'[34] Decisions that are reached by consensus are perceived to be legitimate decisions and they can have authority even when technically illegal (such as the various budget re-distributions). Various committee leadership decisions are taken by consensus to ensure that the person selected has full authority. This points to an interesting paradox: all respondents indicated that consensus is a feature of decision making at present due to the lack of local elections and that an elected local government would be preferable. And yet, when there is an opportunity to have an election, such as in selecting the chairperson of a user committee, random selection is preferred over election when there is a failure to achieve consensus. In each of the cases mentioned above, the local Maoists had mobilised more of their supporters to attend the meeting and would have done well in an election. However, even when their supporters were the majority of participants, they did not push for an election-based decision.

We suggest that this is because a longer legitimation game is being played. Sybille van den Hove has suggested that strategic manipulation of the process is a risk in participatory processes: some actors might pretend to 'play the game' of consensus all the while covertly pursing their particular interests (2006: 13). Such a strategic use of consensus (whether or not it is considered manipulative) seems to be in operation in Kamthola and is mobilised particularly evidently by the Maoists. The Maoists seem to have been less interested in using their numerical domination to push through an election, and more interested in demonstrating cooperation and changing perceptions of the Maoists from people who achieved things at the end of a gun to being 'respectable'

[33] Interview (22.11.2011).
[34] Interview (15.11.2011).

political actors in the New Nepal. Thus, participation in consensus on short-term political decisions is being strategically used by the local Maoists leaders as part of a longer term political project of changing perceptions and building a wider base of political support.

Participating in such consensus-building processes is also about presenting oneself as a certain kind of political leader. It was explained to us that it's about being a gentleman instead of a bully:

> These days one needs to be a gentleman to deal with situations. Anger does not work; one must smile in all circumstances. If someone is a capable leader, then people will listen to him … During the conflict, when the Maoists came, we never showed anger. We tried dealing with them with a smiley face. It is the same today: the process of consensus.[35]

This is also expressed in the difference between a leader who is respected because of their benevolence and one respected out of fear (Ramirez, 2000, 256). The emphasis on behaving in the 'right' way was also expressed to us by the local Maoist leader, who spoke often about the importance of behaving within the law. This issue was particularly relevant for him personally, as he was not a member of the traditional local political elite, and had migrated to Kamthola from a more remote part of the district some years before. Thus the issue of respectability and how it could be produced was particularly salient, even more so than for other political leaders of his (younger) generation.

In this sense consensus can be seen as a particular mode of governing transcribing Maoist political action, rendering them political actors amongst others. As Aditya Adhikari (2010) suggests, the one positive aspect of the present local government arrangement is that it has served a 'peace-building' function: 'The involvement of the Maoists in these mechanisms has forced them to negotiate on specifics with members of other parties in a somewhat reasonable manner.' And while this may be an actively pursued strategy, as we have suggested, it also places limitations on the kinds of politics that are admissible. Kamthola's Maoist leader's insistence on following the rules also made his participation in some of the consensus based compromises we have been discussing difficult, as he explained in the quote at the start of the paper. According to Adhikari, from the point of view of the 'mainstream' political parties, a major objective was to 'entrap' the Maoists into the established political culture, the rules of which they assumed the Maoists would be unfamiliar with (2012: 268). Achieving the transformation from rebel to respectable politician while avoiding overt co-optation by the existing

[35] Interview (15.03.2012).

political establishment is a serious and potentially compromising challenge for Maoists across the country, including in Kamthola.

This dynamic is somewhat similar for the VDC Secretary who is often caught between his job description (that started at stamping papers and has been expanded into being responsible for local government) and local realities. Having been put in charge of the VDC ad-interim by the Ministry of Federal Affairs and Local Development, he laments being mixed up with so much politics. However, bolstered by consensus-based claims to authority, he goes along with a number of modifications to local development planning rules. He relies on consensus in the short term to get things done, thus contributing to his reputation as an effective VDC Secretary (a distinction that is important to him). However, in the longer term this acquiescence to consensus-based modifications of the rules could prove compromising to potential future attempts to institute a more formalised 'rule-based' system of local government.

In Kamthola, the process of consensus building has both created a structure in which local politicians are able to work together and a mechanism through which decisions can be legitimated. By consciously setting aside the divisiveness both of the decade long civil conflict and of politics-as-usual, political leaders in Kamthola have been able to get on with the everyday business of government, to the extent that it is considered a model VDC in the district. The ubiquity of smiley-faces alluded to above certainly hides contentious issues and perhaps maintains a note of falseness in political relations. Our analysis should not neglect the possibility that what might appear as consensus is actually a silencing of opposition maintained by fear, although this seems not to be the case in Kamthola.

This is a political context in which the 'rules of the game' were both contested and not resolved by the decade long civil war, and are again being contested and not resolved in the process of re-constituting the post-war state. In this sense we suggest that consensus can also be understood as an abeyance technique that places certain contested issues on hold – essentially some of the root issues of the conflict. However, in a counter-political move, it fosters the civil coexistence necessary for local authority claimants to muddle through the everyday local government decisions that need to be taken. Whether or not this civil coexistence survives future electoral campaigns, and the extent to which consensus will prove to be compromising, will be important subjects for future studies. Future electoral campaigns, and particularly the political practices and discourses of the eventual new democratically legitimated local governments, will shed

light on the question of whether consensus is just an interruption of politics-as-usual or whether it is really a lasting way of doing politics differently. In other words, it is not yet clear whether consensus is only a counter-political move by default. Is it a kind of coping mechanism for the lack of other (electoral, democratic) ways to legitimate local government? Will consensus' counter-political function of creating conditions for 'rough and ready civility' (Spencer, 2007, 165) survive when its function of legitimating local government is at least partially taken over by electoral or democratic claims? In a locality such as Kamthola, where consensus has been a highly effective mode of government, such questions introduce a note of ambivalence into the project of conducting elections and opening the door to more openly oppositional forms of politics. The 'ad-interim' emphasis on consensual decision-making in post-war Nepal has been rightly critiqued for its lack of accountability and encouragement of practices of collusion and corruption. Nevertheless, as we have argued here, consensus has played an important role in the production of political possibility following the fear and division of war.

7. Authorising bureaucracy

This chapter is a reproduction of the draft article:

Byrne, Sarah, "'From our side rules are followed': Authorising bureaucracy in Nepal's 'permanent transition'"

A revised version of the article will appear in a forthcoming (2018) special issue of *Modern Asian Studies* entitled "The politics of order and disturbance: Public authority, sovereignty and violent contestation in South Asia" (eds. Klem and Suykens).

Introduction

'*We have faced transition several times. Transition is a major disease. And this is the biggest transition phase we are passing through. People have expectations.'*
(Interview, 16.11.2011)

This paper is about 'everyday government in extraordinary times' (Feldman, 2005a), or more specifically, about everyday government when extraordinary times become the ordinary state of affairs. Over the past several decades, Nepal has certainly experienced extraordinary times, including a series of unfinished revolutions, a civil war (1996-2006) and a recurrently contested process of state (trans-) formation. The notion of 'transition' has been deployed to label more than one political moment, whether the post 1990 re-introduction of multi-party politics or the present post-war juncture. As the elderly gentleman I quote above explained: transition has been a repeated and somewhat problematic experience, rather like a chronic disease. Taking the broader context of Nepal's political history into account, Harald Wydra's (2000) notion of "permanent transition" – a permanent threshold situation recurrently oscillating between a dissolution of order and political utopia – seems apt for Nepal as well.

In this article I explore what this permanent threshold situation means for local governance, specifically how local civil servants go about their work in the midst of the contested authority and unstable governing conditions of “permanent transition”. The everyday practices of local civil servants are the ethnographically specific basis of an analysis of how public authority is constructed in such a contested political environment. To analyse the practices of rule and authorization processes that local civil servants engage in, I first employ the concept of tactical government. This concept was proposed by Ilana Feldman (2005b) in her study on bureaucracy, authority and practices of rule under different temporary regimes of governance in Gaza. In the case of local civil servants in Nepal, I identify ‘absent presence’, persuasion and ‘rule talk’ as practices of tactical government.

While such an analysis is insightful, I suggest that it can be complemented by looking beyond the domination-resistance dynamic inherent in the concept of tactics. I argue that we should consider such practices as being part of an alternative form of agency that Sherry Ortner defines as the pursuit of specific (culturally informed) projects (2001; 2006). Therefore, my argument in this chapter is that in a context of permanent transition, certain uncertainty, extra-ordinary as ordinary, ‘tactical government’ and ‘pursuit of projects’ are inter-connected forms of practice that are central to how local civil servants claim authority. By looking at these two forms of practice together, we can take into account both the inevitable influence of power dynamics and the multiplicity of alternative projects, plans and desires that may motivate actors such as local civil servants. This gives us a fuller account of the ‘conditions of possibility for authority’ (Feldman, 2005b: 3). Furthermore, it provides useful insights into the cultural underpinnings of state formation processes, allowing us to account for both heterogeneity and consistency.

This argument is elaborated through the following four sections of this paper. The first section introduces the concept of authority and outlines how the everyday practices of local civil servants can illuminate how authority is produced. The first section also introduces tactical government as an analytic for ordinary government in extraordinary times and the more general literature on resistance and everyday life from which it is inspired. The second section ‘sets the stage’ for the empirical discussion by providing an introduction to the context of ordinary government in extraordinary times in Nepal. In the third section I describe three examples of tactical government (‘absent presence’, persuasion and ‘rule talk’), illustrating them with vignettes drawn from the everyday practice of local civil servants. In the fourth section I explore the pursuit of other

(culturally informed) projects as a complementary form of practice. I return to the three examples of 'absent presence', persuasion and 'rule talk', highlighting additional insights into authorisation processes that can be gained from this perspective.

The analysis in this article is based on semi-structured interviews conducted with local civil servants in rural areas of five different hill districts in Nepal between 2009-2013. The interviews conducted during 2009 were in the frame of a development project looking at local development planning, whereas interviews during the later years were conducted in the framework of a PhD study. These interviews are complemented by insights gained during 'job shadowing' of two different local civil servants (an agriculture extension worker and a local government secretary) as well as several weeks of participant observation and 'hanging out' in a particular locality in Surkhet district between 2010-2013. During the later fieldwork phases I lived in the homes of two different political leaders, thus affording me the opportunity to observe the many informal interactions and the 'behind the scenes' organisational work conducted by both local politicians and civil servants between important meetings. As my fieldwork started in 2009, information about how local civil servants managed in earlier times (particularly during the war) is based on their own recollections and their recounting of these. I consider that when these experiences were recounted there were two simultaneous processes taking place: my informants were both explaining the situation to me and were also constructing their own personal narrative of events.

Furthermore, while my conceptual reflections are based on these empirical settings, the empirical results in themselves should not be taken as representative of every local civil servant in Nepal. Rather, their working conditions, and responses to them, vary considerably (Carter Centre, 2014a; Inlogos, 2009; UNRHCO, 2011b). Indeed, even to speak about civil servants involves making a generalisation of the many different civil service functions at the local level. I am aware that the nature of the function of local government secretary is somewhat different from that of line ministry representatives such as agriculture extension workers. However, my focus here is on the common dilemmas they face, particularly when it comes to claiming and maintain the authority to decide over the distribution of public resources, whether agricultural inputs or local government budgets.

Encountering tactical government and bureaucratic authority

On authority

The basic question this article sets out to answer is about how processes of authorisation work in practice. Specifically, I am interested in how local civil servants claim authority to govern in an ordinary extraordinary context of permanent transition and contested authority. But how does one actually encounter authority? I use 'claims to authority' here to denote that authority is not something that one or another actor naturally possesses, but is rather "a relation that requires continual renewal" (Nightingale and Ojha, 2013: 30). Building on Max Weber's classical definition, Thomas Sikor and Christian Lund suggest that authority "characterises the capacity of politico-legal institutions, such as states and their constituent institutions, village communities, religious groupings and other organizations, to influence other social actors" (2009: 8).

My strategy to expose the processes through which authority is produced has been to interrogate the role of resource control in re/producing relations of power and authority. In a context where authority is in a sense "up for grabs", where it is not really clear who has the authority to decide over resource control, then enacting the role of decision-maker or influencer is one way to produce authority. The ability to take decisions about resources and the authority to do so are mutually constitutive (Sikor and Lund, 2009). Indeed, as Christian Lund has argued, "one of the ways in which public authority is established is by its successful exercise as a result of struggle" (2006a: 675). Particularly in a context of permanent transition, this is not a struggle that takes place once and for all. Rather, it is a process that demands repeated enactment. This was also a practical methodological consideration as the enactment of the ability to take and influence decisions is visible in everyday decision-making process, both front and backstage, though both cooperation and conflict.

While effectively controlling decisions about resource use and the authority to do so may reinforce each other, these roles do not inherently obtain to any particular actor, especially in a context as much in flux as wartime and post-war Nepal. Local civil servants face challenges in claiming or maintaining the authority to decide about the use and distribution of resources, particularly in a local governance arena highly influenced by Maoist People's Governments during the war, or a patronage and performance driven

resurgence of local politicians in the post-war years (see Byrne and Klem, 2014; Manandhar, 2010; Nightingale et al., forthcoming; Ogura, 2008; Shneiderman and Turin, 2010). I argue that a combination of tactical government and alternative projects are mobilised by local civil servants to create the conditions of possibility for bureaucratic authority.

On local civil servants and studying 'the state'

In his landmark 1995 article, Akhil Gupta noted that very little ethnographic evidence documents the everyday practices of local bureaucracies and what lower level officials actually do. This lacuna is regretful since, as Gupta (1995) suggests, such an analysis is key to studying the state. This is because, as Ilana Feldman (2005b) writes, civil servants are uniquely placed in governmental processes. Being at the same time representatives of the state and also members of the public, they are both here and there: "they are the public and the government, they are the participants and the resistors, and they produce both the orderly and the tactical. Because of this precarious location, civil servants offer tremendous insight into the ways that government is able to do its work" (2005a: 868). As several authors writing about South Asian contexts have pointed out, civil servants cannot be considered in separation from the society they simultaneously serve and inhabit or represent (Gupta, 1995; Gupta, 2012; Klem, 2012a; Shah, 2007).

Having a foot in both 'society' and 'the state', straddling this fuzziest of barriers, makes civil servants uniquely relevant actors for analysing the relationship between the two. This is even more so the case in a context like Nepal, where state formation has been contested (Gellner, 2007b) and local civil servants cannot necessarily assume authority merely be being representatives of the state. When coupled with the at least theoretical control over the distribution of (some) public resources and provision of services, it makes for an awkward positionality that is highly interesting for our present analysis. Academic writing (in English) about the state in general and local government specifically is uneven and scattered in the context of Nepal. Earlier detailed studies about state-making and the functioning of the public administration therein (for example, Caplan, 1975; Joshi and Rose, 1966; Regmi, 1963; Regmi, 1976) have only been followed up to a limited extent (for example, Gellner, 2007b). However, useful insights can be gained from works that address issues of authority in a specific locality (for example, Baral, 2008; Ollieuz, 2012) or sector (for example, Nightingale and Ojha,

2013), as well as the wide and deep stream of literature on issues of politics, nationalism and ethnicity more generally. This article aims to contribute to deepening our understanding of what civil servants - those at this most crucial interface between citizens and the state - actually do and, critically, how they get things done.

On tactical government

The analytical approach we start from is based on the work of Ilana Feldman. In several of her writings (2005a; 2005b; 2005c), Feldman explores the governmental practices maintaining functional rule in extraordinary conditions. Feldman's insights are based on ethnographic and archival research on Gaza's civil service during the British Mandate (1917–1948) and the Egyptian Administration (1948–1967). Her work explores the everyday and mundane practices of the bureaucracy and examines how civil servants faced the challenge of governing without stability, in governmental regimes that were explicitly temporary. Specifically, Feldman's work uncovers how bureaucratic authority without authenticity and the persistence of a government without legitimacy became possible. This authorisation and persistence was achieved, she argues, through the regularity of repetitive bureaucracy and the mobility of tactical practice. With respect to the former, in Feldman's analysis, "it was the repetitions of filing procedures, the accumulation of documents, and the habits of civil servants that produced the conditions of possibility for authority" (2005b: 3; see also Gupta, 2012). These repetitions produced a predictability and constancy in a government that otherwise could rely on little of either.

The second condition of possibility for authority identified by Feldman, and the one we work with here, is what she conceptualises as tactical government. This is "a means of governing that shifts in response to crisis, that often works without long-term planning, and that presumes little stability in governing conditions… It was this practice that contributed to the tenacity of government, despite its instabilities" (Feldman, 2005b: 3). Tactical government is a deliberately restricted mode of rule that makes limited claims and adapts to changing circumstances and continuous crises rather than engaging in strategic planning. In other words, tactical government is a kind of short-term coping mechanism for dealing with a political context characterised by fundamental insecurity on various levels.

The notion of tactical government draws on the writing of Michel de Certeau, particularly The Practice of Everyday Life (1984). Feldman's contribution is to extend de Certeau's

insights about persons' responses to a disciplinary environment more explicitly into the domain of governmental practice. De Certeau analysed these responses in terms of concrete practices, including paying very detailed attention to modes of appropriation, diversions, ruses and other such acts. Amongst other insights, de Certeau elaborated a distinction between tactics, which he suggested are the realm of action of the weak, and strategies as the realm of action available to the strong. Tactics are flexible and adapted to perpetual mutation. As de Certeau has written, a tactic "is always on the watch for opportunities that must be seized "on the wing". Whatever it wins it does not keep – it must constantly manipulate events in order to turn them into opportunities" (1984: xix). Analogous to James Scott's 'weapons of the weak' (1985), tactics are the various ad-hoc and isolated actions employed in the resistance of a powerful exterior 'other'.

With tactics thus conceptualised as the responsive mechanism of the weak, their application to an entity such as a government seems incongruous at first. Feldman cautions that

> "to call government tactical, though is not to say that it does not exercise power over persons, but rather to note its distinctive style of operation. The difference is not about degrees of purposefulness, aggressiveness or meaningfulness in governmental practice … The distinction, rather, has to do with scale of action, scope of imagination, range of planning and stability of resources" (2005b: 18).

Tactics, as thus conceptualised, are eminently *responsive* actions. For de Certeau, tactics are a way of responding in various clever ways to the strategies of the powerful. In Feldman's use of the concept, tactical practices are employed by a somewhat powerful entity, but one that faced a very limited scope of action. The use of tactical when referring to a governmental practice, therefore, aims to "distinguish it from forms of strategic government that utilize long-range planning, comprehensive analysis, and relatively coherent policies as the mechanisms of rule" (Feldman, 2005a: 880).

Extending de Certeau's focus on tactics employed by regular people, consumers, etc., Feldman suggest that tactical government is a form of practice that may – when faced with on-going crises and temporal insecurity – be employed even by actors that claim power. Thus it is a form of practice that is not only focussed on resistance (as in de Certeau), but that can be used to claim and maintain authority. While it is productive (of authority, possibly), tactical government is most significantly characterised by being a deliberately restricted mode of rule and one that operates in a relatively ad-hoc way, responding to situations as they emerge.

Local government: continuities in permanent transition

This section provides a brief introduction to the overlapping spheres of civil service and local government in which local civil servants work. As Nepal has not had local government elections since 1997, local civil servants have been drawn into officially taking over responsibility for local government decisions. In addition to their 'regular job' as service providers, 'paper stampers' and resource distributors, they are active players in the most recent iteration of Nepal's on-going experiment with different forms of local government. In this section we briefly outline these dual roles, before turning in the next section to considerations of how they are played. Before continuing, it is important to note the element of perception in labels such as 'ordinary' and 'extraordinary'. The parallels are striking between what one observes in post-war Nepali politics and what has been described about earlier 'transitions' (see, in particular Ramirez, 2000). These descriptions, combined with conversations like the one I started this article with (which characterises transition as a chronic disease), are what lead me to suggest that transition, far from being extraordinary, is in fact quite the ordinary state of affairs.

As with the rest of the state, the public administration of Nepal has undergone a series of transformations since the first establishment of democracy and a 'modern' bureaucracy in 1951. With this change in the political system, the role of the administration also changed. Public service delivery and promoting development became important tasks for an administration that had until that point functioned mainly to collect taxes and maintain order (see Burghart, 1996; Regmi, 1976). In this sense, Nepal is quite different from other South Asian countries with their long and well-established bureaucratic traditions inherited from the period of British rule. The public administration of Nepal has continued to evolve alongside the political changes that have marked the period between 1950 and the present. Throughout this period the state expanded its presence and role as resource distributor and service provider, while bureaucrats strengthened their role as gatekeepers (Pfaff-Czarnecka, 2004).

In addition to the civil service system, the system of local government in Nepal has undergone several transformations in recent decades and has been characterised by a number of relatively experimental and ad-hoc systems of rule. From 1961-1990, Nepal was ruled through a 'party-less' *Panchayat* system of government. Lok Raj Baral (1977) has characterised the post-1961 period as one of political ambivalence and 'ad-hoc-

ism', with the *Panchayat* system sold as a temporary phase on the road to full-fledged democracy. In 1990, following a massive people's movement (*jana andolaan*), multi-party democracy was re-introduced and local government elections were held in 1991 and 1997. The early 1990s were a period characterised by "high expectations and deep disappointment" (Pfaff-Czarnecka, 2004), one of several factors contributing to the outbreak of a Maoist 'people's war' in 1996. By 2002, the Maoists controlled large parts of the countryside and established their own 'people's governments' (*jana sarkar*). Meanwhile, in 2005 the King dissolved the parliament and ruled under emergency powers. A second people's movement in 2006 re-established democracy and a Comprehensive Peace Agreement ended the war in the same year. The Interim Constitution of 2007 declared Nepal a federal republic, and two Constituent Assemblies have since been elected (2008, 2013) to draft a new federal and democratic constitution. The post 2007 moment has been labelled 'transition' as the political system and distribution of powers is being negotiated. Almost ten years after the end of the war, and eighteen years after the last local elections, institutions at the local level remain somewhat 'on hold' while the broader framework is discussed. A number of temporary 'transitional' measures have been instituted to 'fill the gap' until such time as the federal constitution is drafted and local elections are held. Thus the trend of ad-hoc, makeshift and ostensibly temporary solutions that Baral identified continues to be evident. The extraordinary has become ordinary, indeed.

While local civil servants are appointed through central government ministries, they are assigned to certain local governments and have increasingly been drawn into local governance. Nepal's Local Self Governance Act (LSGA, 1999) refers to two main levels of 'local bodies' – Village Development Committees (in rural areas), municipalities (in urban areas) and District Development Committees. In this paper we focus on civil servants assigned to the Village Development Committee (VDC) level of governance. At the level of the VDC, the central government appoints and pays a category of staff under the Civil Service Act and Rules, including VDC Secretaries and some accountants and technical staff. These are central government staff and can be employed anywhere in Nepal. VDCs may also directly hire their own support staff locally, with their salary paid through local revenues.

Additionally, a number of other civil servants are employed through different sectoral ministries, working in the fields of agriculture, health, education, veterinary service, irrigation, etc. These civil servants present in rural areas operate through 'service centres' in the case of livestock and agriculture or through schools and health centres.

They may work in one or several VDCs (with one service centre being responsible for a number of VDCs) and are responsible to their ministry through its district office, rather than to a local government.

Since the term of the last elected local governments ended in 2002, the in-charges of the agriculture extension office and the health post, along with the VDC Secretary, are mandated to make decisions for the local government until such time as new local elections can be held. In practice the main responsibility falls to the VDC Secretary, with the other two civil servants providing more or less active support.

However, local civil servants did not step into a political vacuum. Many local politicians, particularly those from elite families and traditional/conservative political parties, had also spent much of the war years in the relative safety of the district headquarters or other parts of the country. They were also keen to re-claim the political space they had abdicated during the war, and to participate in the distribution of the ever-growing volume of funds being channelled to the local level. As an interim measure to integrate local politicians in decision-making, in 2007 the national government directed the creation of an 'All-Party Mechanism' (APM) at VDC and district levels. Such a mechanism had already been practiced informally in many localities. Each political party active in the VDC was invited to appoint a representative to the Mechanism, which served to advise the VDC. This mechanism has since been officially disbanded in the face of widespread allegations of corruption, leading to the moniker ATM (rather than APM).[36] Nevertheless, All-Party Mechanisms continue to operate unofficially.

Including this new executive function, the present functions of a VDC Secretary include providing or making various recommendations (such as for a citizenship certificate or passport), registration (births, deaths, marriages, migration), local development planning, supervising the implementation and monitoring of projects funded through the VDC budget, coordinating the development activities of other actors (other government agencies, NGOs, etc), ensuring the maintenance of completed projects, ensuring the auditing of accounts, distributing pensions and social security allowances, collecting land revenue, and coordinating with the 'unofficial' All Party Mechanism. This rather

[36] The practice of local government in the post-war years has been characterised as "consensual corruption" (Bhattarai, 2010) and as collusion (The Asia Foundation, 2012). Allegations of corruption appear regularly in the media and public discourse, and such allegations were also related by my informants. However, I do not have any direct evidence of this.

extensive list places a lot of pressure on VDC Secretaries, even more so when we consider that a VDC Secretary can be responsible for more than one VDC at a time.

Three practices of tactical government

We turn now to analysing three concrete practices of tactical government. I have labelled these 'absent presence', persuasion and 'rule talk'. These practices are eminently tactical – ad hoc, makeshift, opportunistic – ways of creating conditions of possibility for bureaucratic authority. By being an absent presence in their assigned locality, local civil servants purposefully limit the scope of their authority claim to one that can be maintained. They mobilise persuasion in seizing opportunities to get things done, often leveraging their own and others' authority in the process. When persuasion is not successful, local civil servants make recourse to 'rule talk' in an attempt to order the competing claims. These practices are not discrete categories and they can be drawn upon in a variety of ways to express differing positions and claims. The description of each of these practices is accompanied by an example drawn from my empirical data.

Absent presence

The notion of 'absent presence' highlights the contradictory tension within experiences of a state that is simultaneously absent and present in the lives of its citizens (Williams, 2011). While the state's presence may most often be experienced through its perceived absence and inaccessibility, it may continue to play an important role in different strategies, in different ways for different people. For example, in the case of a community of Muslim weavers in India, Philippa Williams notes that "on the one hand, Muslim Ansāris articulated their discontent with a biased and largely inaccessible state, which they saw little point interacting with. On the other hand, they acknowledged the inescapable reality that the state did offer various forms of potential support and opportunities for strategic engagement..." (2011: 275). Or as Stefan Jensen writes of Sarajevo suburbanites in post-war Bosnia and Herzegovina, "sometimes evading it [the state] in some ways, they were also engaged in efforts to see it in the first place, and to be seen by it" (2013: 20). In other words, people seek to be both legible and illegible to the state, to be seen and unseen by it, as the state itself is also both seen and unseen (Corbridge et al., 2005; Scott, 1998).

This tension between absence and presence, between being seen and unseen, is a useful entry point for exploring practices of hiding/secrecy and absenteeism among local civil servants in rural Nepal. These two inter-related practices are part of how local civil servants adapt to their working conditions and claim authority. The practice of hiding or secrecy was characteristic of the local civil service in rural areas during the war. Due to the insecurity of rural areas, and the pressure placed upon them by Maoist forces, many civil servants retreated to the relative safety of the district headquarters where they stayed for the duration of the conflict. Thus while absent from rural areas, the representatives of the state were present, in hiding, in the district headquarters. Citizens who wanted to avail themselves of a service provided by a civil servant, or who wanted to receive a pension or other disbursement they were entitled to, were obliged to travel to the district headquarters. This trip often meant passing through checkpoints operated by both the Maoists and the state security services.

The situation of hiding and secrecy was particularly challenging for civil servants who were locals of the place where they were posted.[37] In some such cases, civil servants preferred to stay in their home rather than move to the district headquarters, even though doing so placed them under tremendous pressure. One such person, the in-charge of an Agriculture Service Centre who I will call Mohan Bahadur KC, recounted some of the tactics he adopted in order to maintain his personal safety and continue providing the mandated services to farmers. Mohan Bahadur KC believes that he was allowed to continue working by the Maoists because the programmes implemented by the Agriculture Service Centre directly support farmers. Nevertheless, along with the other government employees who remained in rural areas, he was required to hand over five per cent of his salary to the Maoists, as well as his gun, 'donations' which greatly facilitated his ability to work in the area. He was cautioned to maintain a low profile and considered it prudent to hide from the Maoists if their paths happened to cross while he was out distributing seeds or fertiliser to the farmers.

Following the destruction of the Agriculture Service Centre office, presumably by the Maoists, he decided to move the seeds and fertiliser to the nearby home of the Service Centre's office assistant. Throughout the rest of the war, farmers were informed by word of mouth when new seeds and fertiliser would be available and went to pick them up at the office assistant's home. The date when the resources would be made available was

[37] Although the civil service serves the whole of Nepal, and civil servants can technically be posted anywhere, many prefer to try to obtain a posting either close to their home or in a place that is relatively comfortable to live.

not announced publically and farmers were only informed at very short notice, in order to prevent the resources being confiscated. In this case, while the state employee hid only occasionally, state provided resources were in hiding more permanently. Hiding the resources, I suggest, was a tactic Mohan Bahadur and his colleagues used to maintain their authority to distribute public resources (seeds and fertiliser). However limited in quantity and poor in quality the seeds and fertiliser were, the delivery of this much-needed input continued and was carried out by representatives of the state. Had the seeds been confiscated and re-distributed by the Maoists (as many resources were), Mohan Bahadur and colleagues would no longer have had a role in deciding about the use of this resource. Hiding the resources was thus a tactic to assert authority in a discrete way and resist Maoist attempts to appropriate or destroy them.

With the exception of local people like Mohan Bahadur, many civil servants abandoned their posts in rural areas during the war for security reasons and this trend has continued in the post-war years. Absenteeism means that a VDC Secretary or other local civil servant is not regularly present at their post in the VDC, and such cases are widely reported. A recent study found that 40 per cent of VDC Secretaries were providing services from their VDC headquarters, whereas 36 per cent provided services from the district headquarters and 24 per cent of VDC Secretaries were either permanently absent or their position remained vacant (Inlogos, 2009). Where civil servants are consistently absent, communities face serious difficulties in accessing the already fairly limited basic services that the state is mandated to provide. People who want a service from a VDC Secretary have to travel to the place where they are available, and find a time when they are not attending meetings or trainings. However, basic services can be provided by the VDC office support staff, who are generally present in the VDC office (as they are local persons) and act as a go-between. As support staff do not have the authority to sign official documents, some VDC Secretaries have taken the initiative to provide their staff with pre-signed forms to facilitate the process (UNRHCO, 2011b).

There are many reasons for the absenteeism of local civil servants. During the war many local civil servants moved to the district headquarters due to the security threats they faced in rural areas. During this time they established homes in district headquarters, enrolled their children in schools, and in some cases started small businesses. The living conditions in remote and rural VDCs contrast sharply with the relatively good quality of life available in many district headquarters. Following the end of the conflict, the security threat persisted in parts of the country, with VDC Secretaries being targeted by armed groups. Several expressed feeling unsafe travelling between the district headquarters

and their VDC office with cash to be distributed to the elderly and widows in the form of social security benefits. Furthermore, many VDC offices were destroyed during the war, so the basic office infrastructure as well as records, were no longer existent. Many VDC offices continue to be housed in temporary spaces, which can include rented spaces or spaces borrowed from other public institutions, such as schools. An increasing trend has been reported of VDC Secretaries renting office spaces in the district headquarters, funded through the VDC budget (UNRHCO, 2011b). In several districts, VDC Secretaries are required by district authorities to be present in the district headquarters for a certain portion of the month to be available to attend meetings and other coordination activities. Finally, there continue to be many cases where one VDC Secretary is responsible for two or three different VDCs and claims to be more available to all VDC citizens by staying in the district headquarters rather than moving around between the three VDCs. Similar factors also affect other local civil servants.

Like Mohan Bahadur hiding seeds, I suggest that absenteeism can - in some cases - be a rather counter-intuitive tactic to claim authority. Both the 'absent presence' practices of hiding and absenteeism can appear at the outset as civil servants renouncing their authority to govern and leaving the people to their own devices. However I would like to suggest that they could also be considered as ways to produce or maintain authority. Being a present presence either during the war or afterwards would entail staking a claim to local public authority and entering into competition with other authority claimants – either the Maoist 'parallel' governmental authorities during the war, or local political leaders in the post-war period. In both cases, this is generally not a competition that a local civil servant could win. Had Mohan Bahadur tried to distribute seeds openly, he would have risked his life, and the seeds would have been confiscated.

By being an absent presence, local civil servants reduce the scope of their claim to authority. But this more modest claim is one that can be maintained. Rather than attempting to take on the vast scope of authority that they have been assigned with the ad-interim responsibility for local government, many VDC Secretaries choose to step back and leave this to the rough and tumble of local politics (of the APM). By being generally absent, but showing up selectively for important events in the VDC, they claim authority as a distinguished visitor (on the authority of visitors, see Burghart, 1993a). Accepting that the state cannot maintain a monopoly on the exercise of public authority (or, in some cases, even compete successfully), by being absent civil servants restrict themselves to a relatively limited scope of authority and avoid contestations with other authority claimants (see also Vandekerckhove, 2011). Indeed, one VDC Secretary

explained the scope of his authority to me in exactly these terms: “there is no other option than to co-ordinate with the community. There will be no monopoly” (Interview 12.07.2013).

Persuasion

The second condition of possibility for bureaucratic authority I would like to explore here is persuasion through convincing and leveraging. These two related conditions are key to how local civil servants nevertheless get things done, though they are more essential to VDC Secretaries mandated with decision-making power than to other civil servants mandated ‘only’ with service delivery. In practice VDC Secretaries have very little power over local leaders and if they want them to do something (or not do something) they have to use the forces of persuasion available to them to convince the leaders. This is the route taken by those VDC Secretaries who seek a more present presence of their authority in the locality where they have been posted. Rather than contesting the authority of local politicians, they try to bring them on board with the project they would like to implement, or to bring them around to a similar way of seeing things.

Strong powers of persuasion and ability to ‘bend’ things mean that a VDC Secretary is perceived to be someone who can get things done and who can ‘bring’ development to the VDC. Thus when a VDC Secretary can convince local politicians to support a project he has proposed or when he can convince them to adapt their proposals to the government’s rules and guidelines, his claim to authority is bolstered. In this way, the VDC Secretary does not compete with other authority claimants, but tries to bring them on board with his proposal. Similarly, VDC Secretaries can leverage the authority of other actors, such as NGOs or locally respected persons, by ensuring their support for the project. In this way, their authority contributes to the production of his. Finally, as the case below illustrates, VDC Secretaries can leverage their own authority to ensure the effective implementation of a project that will expand the scope of their authority.

One such initiative is in relation to the ambition of a VDC called Kamthola (pseudonym) to be granted the title ‘open defecation free’ VDC.[38] The VDC Secretary of Kamthola had recently been transferred there and wanted to implement a campaign similar to the

[38] This title is granted when every home in the village has a toilet and is perceived to be a mark of development. According to 2011 census data, 38 per cent of households in Nepal do not have a toilet (Central Bureau of Statistics, 2012). The Government of Nepal aims to make the entire country “open defecation free” by 2017. On the politics of open defecation, see Desai et al. (2015).

one he had implemented in his previous VDC. With the idea of initiating such a campaign, the VDC Secretary set about securing the support of the local political leaders, respected persons and the NGO that would provide materials and financing.

Having secured the enthusiastic support of the local political leaders, the VDC Secretary was convinced that a strong incentive would be needed to ensure that people would actually construct the required infrastructure. The VDC Secretary and political leaders decided that VDC services would no longer be available to those who did not build or possess the required sanitation facilities. People who had constructed a toilet would be given a special document and this document would be necessary for getting a birth certificate, marriage certificate, citizenship certificate or any of the host of other documents and references the VDC is legally required to provide citizens.[39] This threat evidently was effective as Kamthola officially became an 'open defecation free' VDC in 2012, an occasion marked with a parade, speeches and much fanfare. As champion of the initiative, the VDC Secretary received high plaudits at this event and his important role in achieving this marker of development (and the corresponding financial reward from the government) was recognised.

The case of the 'toilet conditionality' is an interesting one because the VDC Secretary leveraged his field of clear authority – the documents and references he provides – to ensure the implementation of a project that was important to him. While the VDC Secretary is often unable (or unwilling) to ensure strict implementation of rules from the central government (see below), he has played a key role in inventing and enforcing a new local rule. As the VDC Secretary and the political leaders were all agreed on the importance of this initiative, their combined authority ensured its implementation. The use of persuasion, convincing and leveraging is also interesting because of the extent to which it is very opportunity based. The bolstering of a local civil servants' authority through persuading other authority claimants to form a coalition is not a general practice but a tactic that depends on seizing opportunities where conditions may be favourable. In the case above, the authority of the NGO and of the civil service were leveraged, and aligned with local political will, to implement a local policy decision. But local civil servants do not necessarily generally and continuously seek to build such coalitions or to implement ambitious projects. They don't claim to be generally responsible for the

[39] The conditionality was also extended to other areas, like being eligible to have a tap from a government-sponsored drinking water scheme placed near one's house. This practice of making the provision of local public services conditional on the construction of a toilet has been observed in other parts of Nepal as well (Interview. 12.03.2013).

development of the VDC, even though this responsibility has been assigned to them by the central government. Rather their claim is more opportunistic, selective and ad-hoc.

Rule talk

The third condition of possibility of bureaucratic authority that I would like to address here is 'rule talk'. We have explored how local civil servants both self consciously limit the scope of their claim to authority and, when seeking to expand it, use persuasion and leveraging to build a supportive coalition. However, there are many cases where local civil servants feel they cannot step back from claiming authority and where their powers of persuasion are not effective. In these cases I suggest that they make recourse to 'rule talk' as a way to claim authority. But this 'rule talk' is a kind compromised rule talk in the sense that it is used to practically adapt what is actually written in guidelines, laws, etc. (see Byrne and Shrestha, 2014). The following comment made by a VDC Secretary is a striking example of such 'rule talk' that indicates the importance of things appearing to be done by the rules:

> 'We are recruited by the state to follow the rules set by government. If they [local politicians] bring things that are in line with the rules and guidelines, we heartily welcome it. If things come a little different than the rules, then we suggest to minimize it and bend it in a way that it comes under the policy. We work in a way that a little bit of amendment is done in their [politicians'] side and from our side rules are followed.' (Focus group discussion with VDC Secretaries 12.07.2013).

My use of the term 'rule talk' is inspired by an article by Monique Nuijten and David Lorenzo (2009) that looks at land property relations in a peasant community in Peru. They suggest that the legal discourses people draw on to explain property relations are 'rule talk' that seeks to justify a particular set of relations, rather than a reflection on the system of property rights. Nuijten and Lorenzo understand rule talk as "the ways in which people claim rights to land, frame their explanations of property relations in normative terms, and express themselves about categories of villagers with different privileges and obligations" (2009: 83). They suggest that rule talk, like story telling more generally, is a discursive practice that serves as a way to order the world, provide explanation and justification, etc.

In the case of the everyday practice of local civil servants in Nepal, I think that rule talk can also be understood as a way of producing order out of the somewhat chaotic world of post-war local politics. While instances of 'rule talk' abound, they are particularly

salient when it comes to the distribution of the local government budget. The distribution of the budget is both highly contested and highly regulated. At the VDC level, grants from the central government make up the major part of the budget and have significantly increased in recent years. Officially, disbursement of the VDC block grant follows a rather comprehensive local planning process involving multiple consultations and a participatory decision-making body that includes representatives of political parties, NGOs and disadvantaged groups. The amount of the grant is partially based on performance according to a series of minimum conditions and performance measures, and a certain percentage of the budget is to be set-aside for disadvantaged groups, capacity building, etc. The process and criteria are outlined in comprehensive grant mobilisation guidelines and manuals provided by the Ministry of Federal Affairs and Local Development and the multi-donor program that contributes to the VDC grant.[40] However, like in many other contexts, in practice, local governments favour infrastructure investments over other options.

One significant area of compromise is in the portion of the budget that the guidelines stipulate should be allocated to disadvantaged groups (see also Byrne and Shrestha, 2014). How rules are talked about in this context, the 'spin' that is put on alternative interpretations, shows how rule talk can be used by more powerful actors to disadvantage others while maintaining a façade of legality. Maintaining this façade seems to be particularly important to local civil servants authority claims. According to the guidelines in force at the time, some 35 per cent of the top-up grant provided by the multi-donor fund should be set aside for members of disadvantaged groups to invest according to what they consider to be their priorities.[41] However, these funds are very often re-allocated to different projects through a range of different justifications. I was often told that the money belongs to those who speak. And even if you do speak up, you have to do it in the right way, as the following incident indicates: the development of the village profile in one VDC was funded partly through budget that had been allocated for people with disabilities. As people with disabilities didn't present a project proposal in the required format for the use of the funds, the funds that had been earmarked were used for another purpose. This was protested, but in the absence of a project proposal (the rules in this case being adhered to rather strictly) the decision was made to use the funds for the village profile. This is one of several examples of what Herzfeld has characterised as "bureaucrats themselves tweaking the system by following its rules to

[40] See http://lgcdp.gov.np/home/policies_guideline.php (accessed 05.06.2015).
[41] Ibid. This is broken down as follows : 10 percent for women, 10 percent for children/youth and fifteen percent for other disadvantaged groups (such as Dalits, indigenous groups, differently abled people, etc).

mischievous excess" (2005: 369). The village profile, of course, is a piece of public relations material particularly useful to local civil servants and politicians.

Such situations present a challenge for VDC Secretaries, who are responsible for ensuring the implementation of the budget distribution guidelines. As one VDC Secretary explained: 'it is difficult to implement the guidelines. The community has different demands and expectations. This year we tried to follow maximum 70% of the guidelines and in doing so I was criticized by the whole community" (Interview 17.03.2012b). The extent to which VDC Secretaries are willing to compromise the budget allocations, and the extent to which they overlook or collude in 'creative redistribution' depends on a number of different factors, including the relative balance of power between the VDC Secretary and local political leaders, and the degree of unity among the local political leaders. The role of violence, whether actual or 'spectral' – transmitted through rumours, tales and reputations (Hansen and Stepputat, 2005: 4) – should not be overlooked.[42] Though challenges remain, extended assessments of the 'political space' at the local level conducted by the Carter Centre (2014b) concluded that this space was mostly or partly free and that decisions in local development bodies were generally taken through consensus and without major conflict.

As consensus is the dominant decision-making paradigm in post-war Nepal, decisions about budget allocation continue until such time as all of the decision-makers in the room can be brought to an agreement. This process entails significant negotiation and, often, compromise. The ability to get things done, in this case to agree on the distribution of the VDC budget, depends on compromise. The rules in this case are used by VDC Secretaries as a powerful bargaining chip. The negotiation of the 70/30 split mentioned in the quote above represents a significant authority claim by the VDC Secretary, justified in terms of 'the guidelines'.

Beyond tactics: alternative approaches

Agency as power and agency as projects

At first sight, the practices of absent presence, persuasion and rule talk appear eminently tactical. They are about short term manoeuvring, seizing opportunities and

[42] On political violence in Nepal, see Whelpton (2013) and Gautam (2013).

adapting to changing political dynamics. The scope of authority claimed and produced through these practices is purposively limited and only expands conditionally, opportunistically and on a case-by-case basis. The fragmented nature of authority in Nepal means that the authority claim of local civil servants is always relative to that of other claimants – particularly the Maoist 'parallel' governmental authorities during the war, and local political leaders subsequently. Local civil servants are very rarely in a position to openly contest the authority claims of other actors on their own. Rarely, when a VDC Secretary is very experienced and has served for a long time in their own VDC or district, will they have sufficient political capital to set the agenda and engage in open contestation. Otherwise, local civil servants can be somewhat isolated in their working area and may fear the consequences for their personal safety of too open a contestation of local political leaders' authority.

While I find tactical government a useful concept, I think it only tells one part of the story. The dichotomisation between strategic and tactical practices proposed by de Certeau and used by Feldman (amongst others) certainly has problematic aspects. These are tied up with critiques of the dichotomisation of domination and resistance as separate forms of power that have been detailed extensively elsewhere (Abu-Lughod, 1990; Gupta and Ferguson, 1997; Korf et al., 2010; Ortner, 1995; Vigh, 2009). Nevertheless this distinction can do useful work, serving the analytical function of highlighting different kinds of agency. I would like to take this reflection on different kinds of agency one step further and devote the rest of this section to a conceptual move that I think provides useful alternative and complementary insights to that of tactical government. As I will explain here, my empirical evidence shows that an analysis that considers also more than reactive, ad-hoc and tactical responses on the part of civil servants is useful in analysing their practices (and the outcomes of these).

This move is inspired by the writings of Sherry Ortner (particularly 2001; 2006), who has worked extensively on and with theories of practice. Ortner (2001; 2006) distinguishes between two dimensions that emerge from 'the anthropology of agency'. The first considers agency as a form of power and includes acts of empowerment, domination and resistance. This kind of agency is exemplified by the work of James Scott (1985; 1990), Michel de Certeau (1984) and others. Stemming as it does from this literature, I would place tactical government into this category of practice.

The second modality is agency "as intentionality in the pursuit of (culturally defined) projects" (Ortner, 2006: 145). Work on the second dimension includes that by writers

such as Stephan Lubkemann (2008), who look at everyday life in contexts of war. Lubkemann suggests that rather than simply 'coping', people embedded in a context of violence or instability remain engaged "in the pursuit of a complex and multi-dimensional agenda of social struggles, interpersonal negotiations and life projects" (2008: 13). Beyond the more reactive scope of coping-type practices, people may be engaged with a number of different longer-term projects, for example related to livelihood strategies concerning access to resources (Korf, 2004; Korf and Fünfgeld, 2006). Indeed, studies of everyday life in ostensibly extraordinary situations of insecurity show that it is not always clear where the one type of practice ends and the other one begins. This is even more so the case when, as I have argued here and elsewhere, the extraordinary is fairly ordinary and rupture and continuity are entangled (see also Byrne et al., forthcoming).

The first dimension (agency as power) considers how agency functions within broader power relations like colonialism, whereas the second (agency as project) considers agency in relation to other culturally specific aims. The point of making this distinction, writes Ortner, is that the first dimension of agency is "organised around the axis of domination and resistance, and thus defined to a great extent by the terms of the dominant party, while the second is defined by local logics of the good and the desirable and how to pursue them" (2006: 145). Ortner's earlier work on the Sherpas in Nepal (2001) provides an example of the two kinds of agency. One the one hand the Sherpas were very much affected by their many years of involvement with and integration into the system of Himalayan mountaineering, often (and still) on very unequal terms. And yet, the Sherpas retained arenas that, while not untouched by mountaineering, were shaped more by their own culturally constituted intentions, desires and projects. Ortner emphasises that these two dimensions of agency are not two separate things. They are about different ways of giving meaning to action and in everyday life and practice they are deeply interconnected.

Reconsidering absent presence, persuasion and rule talk

What additional insights can we gain from looking at absent presence, persuasion (convincing, leveraging) and rule talk through this project-oriented lens? There are two aspects that I find particularly revealing. The first is the emphasis on intentionality in all its complexity and the second is the reminder that projects are informed and indeed scripted by culture. In this section I briefly describe these two aspects and return to the examples described earlier to consider how our analysis can be enriched through

bringing this additional complementary perspective. Indeed, my empirical findings suggest that the practices I have descried above are more than just tactical. They may be ad-hoc and opportunistic, but they are not only responsive to the ordinary extraordinary context of local government in Nepal. With its strong roots in concepts of resistance, tactical government underplays the variety of other struggles and motivations at play in the mundane practices of local civil servants. Indeed, in some cases local civil servants are strongly influenced by completely different motivations or ideals.

Taking intentionality into consideration brings to the fore the cognitive and emotional factors that actively point action in a certain direction. In Ortner's words, "intentionality in agency might include highly conscious plots and plans and schemes; somewhat more nebulous aims, goals and ideals; and finally, desires, wants and needs that may range from being deeply buried to quite consciously felt" (2006: 134). Intentionality is difficult to know about – people might not be aware or able (or willing) to articulate the breadth and depth of motivations. But the important point is that, unlike looking at practices as tactics, which are basically unplanned, looking at the intentional aspects of practice allows us to reflect on the broader plans they may form a part of. Tactics (as conceptualised by de Certeau, Feldman et al) have an explicitly short-term orientation and do not attempt to steer outcomes. As Feldman writes, "both the British Mandate and the Egyptian Administration survived by, in effect, relinquishing control over their future" (2005a: 869). While the ad-hocery that characterises the structures of local government in Nepal seems to suggest a certain relinquishing of control over the future, I am not convinced that this can be said of individual civil servants. They may be working towards other outcomes than simply maintaining authority. There is no one bureaucratic way of doing things: rather, we should perceive "bureaucrats as agents exercising choice in varying degrees of self-awareness and for a wide range of ends" (Herzfeld, 2005: 373).

If we consider the practice of 'absent presence', what other intentions might be there beyond what I have suggested as a tactical response of hiding in order to maintain (a limited) authority? In this case I think the actual resource at hand (agricultural inputs like seeds and fertiliser) was significant in affecting the intentions of both Mohan Bahadur and his colleagues at the local branch of the District Agriculture Office, as well as the Maoist authorities that the state they represented was at war with. Both sides recognised the importance of this resource for farmers - who were Mohan Bahadur's neighbours, as he is a local person, and potential constituents/supporters for the Maoists. This meant that Mohan Bahadur persisted in trying to distribute the seeds. Hence the tactic of hiding,

on the part of Mohan Bahadur, and the pretence of not-seeing on the part of the Maoists. Although it sounds like I am speaking of a game of hide-and-seek, this was indeed an extremely 'serious game' (Ortner, 1996) with very high stakes. At one point Mohan Bahadur was accused of being a government spy and spent several months moving between the houses of different relatives every night in order to avoid being abducted. So while the tactic of hiding created the conditions of possibility for Mohan Bahadur to continue having (a limited) authority over the distribution of the resource, his intentions (and those of the Maoist authorities who might have tried to stop him), were affected by personal and political relationships to the farmers and the high socio-economic importance of the resource in question. Likewise, if we look at the other examples described earlier, we can see other factors at play, whether notions about the role toilets play in 'development' or PR-related reasons for wanting a VDC profile. While the practices described here are tactical in terms of power dynamics and authority claims, they are also motivated by other layers of intention to promote visions of what is considered good and right.

The second aspect of projects that I would like to explore here is their cultural scripted-ness. As we pointed out at the start, civil servants cannot be separated from the societies that they both are members of and try to rule. As Michael Herzfeld has argued, explorations of bureaucratic practice have tended to underestimate bureaucrats' complicity with local populations, with whom they may share a "common cultural matrix of forms of collusion" (2005: 373). The aspect of culture is also highlighted by Andrea Nightingale and Hemant Ojha (2013), who suggest that cultural codes related to caste, class, gender, feudalism, techno-bureaucratism and development are significant in processes of authorisation. These cultural codes underlie, explicitly or implicitly, various claims to authority. Local civil servants are socially and culturally situated people and the practices they mobilise are informed by this positionality.

Turning back to our examples, considering issues of culture helps to uncover other layers of meaning in the practices we have described. First of all, all of the civil servants whose work I have described are men and all belong to a relatively advantaged caste group (Chhetri). They were either local to the district, or from a neighbouring district (and not from a culturally dissimilar part of the country). Much of the way they interact with people, and indeed the practices I have described here, are described by a paternalistic approach to the citizens they are meant to serve (Burghart, 1993a; Nightingale and Ojha, 2013). This approach suggests that they, as educated persons and as technocrats, know what is best for other people, even when it comes to very personal

issues (see also Nightingale, 2005). Cultural aspects are relevant for all of the three forms of practice I have outlined here, but are perhaps most striking when it comes to the issue of toilet construction that I used to exemplify the tactic of persuasion. In this case the VDC Secretary tactically leveraged his 'paper stamping' authority to regulate something completely out of the scope of his authority. This tactic was not just a power play but was also related to a certain paternal claim to know what is best for people and the extent to which they should prioritise sanitation facilities amongst other demands for (very scarce) resources. For 'the good of the people' the VDC Secretary and local politicians have claimed the authority to impose a rule that is clearly outside of their remit. Needless to say, this threat to withhold services in order to promote such a campaign seriously compromises the professional duties of the VDC Secretary and indeed the relationship between citizens and the state. The point of it was well understood by some local residents: "the construction of toilets on a compulsory basis is not in the rules. It has been made a rule in order to scare people [into constructing toilets]" (Interview 10.03.2012b). Looking at the cultural aspects of a civil servant playing the role of a stern parent (no citizenship papers until you build a toilet) helps to highlight another layer of meaning to this practice, beyond the internecine power play between local civil servants and politicians.

Conclusions

In this article I have examined how local civil servants produce the conditions of possibility for bureaucratic authority. Specifically, I look at the everyday practices of local civil servants as they attempt to influence the distribution of such public resources as agricultural inputs and local government budgets. Other influential actors contest this influence, whether Maoist People's Governments keen to establish their support (during the war) or local politicians and the resurgent patronage and politicking (post-war). In an ordinary extraordinary context, where the 'rules of the game' are in semi-permanent flux and different authority contestants compete, local civil servants employ a form of practice that Ilana Feldman (2005b) has termed 'tactical government'. Expanding the work of Michel de Certeau (1984) to the realm of governmental practice, Feldman's tactical government is purposefully limited and adapts to changing circumstances rather than engaging in strategic planning. A government cannot function without both its representatives (civil servants) and the public recognising its demands as being authoritative. According to Feldman, tactical government is a form of practice that

produces sufficient authority to keep working despite very challenging contexts. In this article I have introduced three distinct practices, emerging from my research and building on the work others (Nuijten and Lorenzo, 2009; Williams, 2011), which can be considered tactical government. These are 'absent presence', persuasion (convincing, leveraging), and 'rule talk'.

However, I have also suggested that tactical practice only tells part of the story. Inspired by the work of Sherry Ortner (2001; 2006), I argue that it can be insightful to enrich tactical government with an alternative approach to agency. Ortner conceptualises this alternative as an approach to agency that considers (culturally informed) life projects. Such a suggestion is in line with recent work on everyday lives in situations of protracted violent conflict and insecurity (Korf, 2004; Lubkemann, 2008; Scheper-Hughes, 1992) and on the role of culture in producing civil servants/services (Herzfeld, 1992; Herzfeld, 2005; Nightingale and Ojha, 2013). Reconsidering the examples that my categories of 'absent presence', persuasion and 'rule talk' are grounded in through this lens allows us to uncover a wealth of additional layers of meaning to these practices.

In conclusion, what has become evident is that while ad-hoc and tactical practices are an important part of how local civil servants produce authority in challenging contexts, they are motivated by a number of other culturally-informed considerations of what is good and how this can be achieved. Of course, these other considerations may also serve to reinforce authority claims. We are not talking about two separate fields of play but of different ways of inferring meaning from practices. In everyday life, these are deeply interconnected. The implication is that studies about civil servants (and indeed the states they produce) should take a holistic approach to understanding them as culturally and socially situated members of families and communities, as well as members of public administrations. In Sherry Ortner's words (2006: 145), the point of this analysis "is not about heroic actors or unique individuals, nor is it about bourgeois strategizing; nor on the other hand is it entirely about routine everyday practices that proceed with little reflection." It takes time and the establishment of trust to access stories that elucidate the everyday, and perceptions of the everyday as it was, without over or under-estimating intentionality. However, it is important to reflect on how processes of authorisation are influenced by and imbricated with any number of other on-going projects. Even in ordinary extraordinary contexts that necessitate tactical forms of practice in authorisation processes, longer-term considerations, dreams and strategies play a role.

Furthermore, due to the pivotal role civil servants play in state-making processes, approaching their practices through an angle of culturally scripted life projects *as well as* bureaucratic authorisation has implications for how we analyse state formation. States are in a constant process of being made, unmade, and remade and to understand this process we have to look to the everyday practices of civil servants and citizens that produce them through their interactions (Gupta, 1995; Hansen and Stepputat, 2001; Lund, 2006b; Painter, 2006). If we consider state formation as "the mundane *practices* through which something which we label 'the state' becomes present in everyday life" (Painter, 2006: 753), then the rationale informing these practices has a 'state effect' (Mitchell, 1991). In other words, if the state is contingent upon, and emergent from, everyday practices of negotiating and producing forms of authority, then the nature and meaning of these practices is effective. However, the production of this authority, as I have argued here, is in practice interconnected with a series of other culturally informed intentions and strategies. This means that processes of state formation should be analysed in a culturally situated way that looks at not only how the conditions of possibility for bureaucratic authority are produced, but also at the other culturally rooted factors informing bureaucratic practice. The analysis of the implementation of projects of rule should thus proceed in counterpoint to an analysis of other kinds of projects. Such an analysis would allow us to account for more of the heterogeneity, complexity and contradictoriness of state institutions and their outcomes, as well as patterns of remarkable consistency in state-citizen relations.

8. Making territory

This chapter is a reproduction of the draft paper:

Byrne, Sarah, Andrea Nightingale and Benedikt Korf. "Making territory: War, post-war and the entangled scales of contested forest governance in mid-Western Nepal."

A revised version of the article will appear in a forthcoming (2016) special issue of the journal *Development and Change* entitled: "*Rule and Rupture. State Formation Through the Production of Property and Citizenship"* (Eds. Lund and Eilenberg).

Introduction

'If we are working for conservation, we have no one to fear' (Gansnu forest user, 21.03.2013).

This paper analyses how 'making territory' emerges *as a state effect* (Mitchell, 1991) from forms of fragmented and contentious rule within turbulent political landscapes of rupture and continuity. Political rupture and continuity have often been seen as oppositions: a political situation tends to be described as *either* a rupture *or* a continuation of something. This conceptualization has analytical limits. Firstly, as Raj (2013) points out, any definition of rupture has both experiential and political aspects – events are not ruptures in and of themselves but in interpretation. Secondly, we suggest that in many situations characterized by fragile political authorities and contention over political power, rupture and continuity should be thought in *both-and* terms; rupture *and* continuity. Practices of spatial claims-making over different forms of property often show a striking stasis or continuity in the midst of struggles over political authority. Perhaps most importantly for the themes of this special issue, these ruptures and continuities help to reveal the spaces and practices of states and citizens in the making. The territory of the state is politically demarcated and types of property are defined through ruptures and continuities, while these same processes serve to frame who belongs to the state and on what terms (i.e. citizenship). The concept of 'entangled landscapes' (Moore,

2005) enables us to understand how access to resources and the constitution of political order are linked and negotiated among different authority claimants at different temporal and spatial scales. We understand these processes to be inextricably intertwined, demanding a careful look at how contested borders of different types of property are inseparable from claims to belonging and citizenship, all of which provide insights into state formation. The site through which we study this phenomenon is that of a contested forest in Nepal's mid-Western hills. A series of unfinished revolutions, a civil war (1996-2006) and a recurrently contested process of state (trans-) formation make Nepal a particularly relevant context in which to analyse how political authority is produced under conditions of imbricated rupture and continuity (see also Byrne and Klem, 2015; Nightingale and Ojha, 2013).

Unpacking the process of making territory is central to this analysis, a process we understand as not simply the backdrop for state formation, but as a key constituent of it (Reeves, 2011). In particular, we focus on the spatial and territorial dimensions of ruptured and continuous rule and the claims for recognition of political and resource use rights that emerge as a result. Making territory, we suggest, is the effect of the entanglement of different territorial politics and practices. These include both processes of claiming authority or rule over spaces, and the relationships between people and resources that emerge within those spaces. In this understanding, territorialization produces particular 'bundles of powers' (Ribot and Peluso, 2003); a territory constitutes and is constituted as a claimed and bounded social space (Peluso and Lund, 2011). We show how certain forms of territorial practices — particularly claiming resource rights — both produce and are produced by an 'entangled landscape' (Moore 2005) of differently bounded and situated spatial practices of claims-making. In other words, the spatial ordering of property, resource access and citizenship do not necessarily cleanly map onto each other, but rather help reveal the practices through which citizens seek recognition by the state and the dynamic and everyday nature of public authority and state formation.

These conceptual considerations about making territory, states and citizens resonate with the kind of fragmented and contradictory rule and the dynamic nature of state-people relations we observe in Nepal. The paper is situated in a strong tradition of Nepalese and South Asian literature that analyses the state-citizen-forest relationship and the imposition of order (and its resistance) on both people and forests through different forms of territorialization and governmentality (see, among many others, Agarwal, 2005; Campbell, 2007; Gellner, 2013; Guha, 1989; Nightingale and Ojha,

2013; Sivaramakrishnan, 2000). While much of this literature has emphasized the power and ordering effects of forest governmentality, we emphasize more the repetition of rupture and the continuity of 'transition' that have been characteristic of Nepal's political history since the first democratic revolution in 1950-51.[43] We probe how these continuities and ruptures have mapped into local processes of territorialization and forest governance and probe the implications of them for citizenship claims. Our analysis resonates with work that has studied the negotiations of disputed political authority over territory among rebels, state and other claimants and the processes of contestation and accommodation it entails (Gellner, 2013; Korf and Fünfgeld, 2006; Korf and Raeymaekers, 2013; Suykens, 2010; Vandekerckhove, 2011). In order to understand these dynamics we analyse concrete practices of meaning making, bordering, recognition and authority claiming at different scales (on scale and forestry, see Ahlborg and Nightingale, 2012).

We explore processes of making of territory, states and citizens through a case study of a contested forest in the Nepalese hills during the recent decades of political war and transformation. The case study spans the reorganisation of district borders in 1978 that sparked the original dispute about who should have authority over the forest, through to the on-going debate over the division of territory in Nepal's new federal structure. We analyse the rupture and re-alignment of contentious claims to political authority by the Forest Department, Maoists rebels, district officials, local notables, amongst others, and the continuities of group-level negotiations pertaining to formalizing forest access claims amidst these competing political authority holders. The detailed description of entangled territorial politics shows that even if ruptures such as war and post-war political configurations unsettle and reshuffle the territories of rule, claims to political and resource rights endure.

Our subsequent analysis is guided by three propositions: *first,* and paradoxically, territory as a specific set of rules governing access to forests (among other things) can be quite stable although the political landscape itself is highly fractured, contentious and experiences sequences of ruptures and uncertainty. *Secondly*, territorialization is a multi-sited process and constitutes a multitude of political spaces. Where these spaces intersect, negotiation of their different borders and authorities gives meaning to such categories as 'citizen', 'forest' and 'state'. *Thirdly*, the relationship between citizens and

[43] Whelpton (2013) provides a history of political violence in Nepal going back further, related to ethnic disputes, agrarian discontent, ideological discontent, or power struggles within the political elite (see also Gautam, 2013).

state in territory-making processes is not simply a dialectic of expansion and resistance. Citizens and groups of citizens have their own territorial strategies, which may resist those of different state authorities, but may also adapt to, imitate or reinforce them. In some cases, people's own territorialization strategies can also be bids to gain explicit recognition by the state. The boundary making process inherent in territorialization can thus produce both state and state-like effects (Mitchell, 1991). We see this clearly when we probe border making and claims to property and belonging at different scales. These effects are always preliminary in their achievements.

Making territory: conceptual propositions

In order to conceptualize how property and citizenship claims become entangled in the continuities and ruptures of contested authorities and territorialization practices, we draw on Vandergeest and Peluso's landmark study from Thailand (1995). They analysed the *internal* territorialization of state power and its relation to the allocation of rights to access and use of natural resources. They write that 'all modern states divide their territories into complex and overlapping political and economic zones, rearrange people and resources within these units, and create regulations delineating how and by whom these areas can be used' (1995: 387). Vandergeest and Peluso distinguish three processes of territorialization: *first*, the creation and mapping of land boundaries; *second*, the allocation of land rights to different actors; and *third*, the designation of specific resource uses by different actors according to territorial criteria. This analysis suggests the gradual expansion of state power and authority into places and fields that had not previously been regulated by the state, according to a relatively coherent overall vision of controlling people and nature. Analyses of counter-territorial practices that resist state expansion complement our understanding of the contested nature of such processes (see, for example, Corson, 2011; Holmes, 2014; Isager and Ivarsson, 2002).

Our concern with what happens to property and citizenship in these processes of rupture and rule leads us to partially depart from this concept of territorialization. We are interested in how territorialization processes create spaces wherein authorities and ordinary people collude and compete over *how* and *where* state borders are asserted and how people can make claims upon the state (i.e. as citizens). We would like to emphasize three aspects in particular: the entanglement of different scales of claims-

making, the co-emergence of citizenship and the resource itself that unfolds in territorialization processes, and the state effects of territorialization.

While Vandergeest and Peluso study the *long durée* of the state's penetration into the periphery, our spatial-temporal scale of analysis is shorter. Our analysis looks into the continuous process of political rupture and re-alignment over a limited period of time (roughly thirty years). We are also more interested in the 'entangled landscape' (Moore 2005) that territory consists of – multi-layered or multi-dimensional spatial (re-) organisation of political authority and bundles of rights and abilities to access forest areas. Territorialization is not simply an expansion (and resistance) of state territoriality in one plane (see also Roth, 2007). Rather, it is a multidimensional operation that serves to produce borders, authorities and different forms of property and citizenship. In Moore's (2005: 22) words:

> Karezei's landscape does not comprise of a series of successive historical strata, one layered over its predecessor, historical depth transposed into archaeological form. Instead of layered strata, space is stratiated. Karezei is a fractal landscape in which a postcolonial resettlement scheme, chiefdom, and rainmaking territory interweave with smallholder agriculture, ancestral propitiation and measures of dispossession. In this entangled landscape, multiple spatialities mingle. Neither serial nor successive, they are co-present …

To understand such a landscape, it is paramount to understand how it is negotiated and experienced in practice – "the configuration, the entanglement and interplay of these multiple 'governable spaces' in a given locality and at a given time," (Korf et al., 2010: 389). Vandergeest and Peluso recognise that government agencies often have to reclassify and remap to account for the ways in which people have crossed earlier paper boundaries. Their analysis, however, does not extend to accounting for how different layers of re-classifications sediment over time (new ones do not just replace old ones) and how different and even contradictory classifications can exist in the same place. Not only do different registers of spatial claims-making co-exist in the same site, but they are also implicated in mutual co-production. As Roth (2008) argues in relation to the establishment of conservation areas, park establishment is not a conflict between state space and local space, but a process of spatial reorganisation. In developing this argument, we hope to better account for the 'verticality' of territory (see also Braun, 2000; Delaney, 2005: 31) and how the diversity of registers in which governance authority is claimed by a different actors leads to the production of space (i.e. territory) as 'stretched out social relations' which serve to mutually transform both space and

society (Massey, 1992). In other words, how they serve to transform property and citizenship.

As Lund points out (forthcoming), by differentiating rights to natural resources, territorialization contributes to the structuration of citizenship. Here we would add that by differentiating rights to natural resources, territorialization also contributes to the transformation of the resource itself. The political and natural landscape are mutually productive (Castree and Braun, 2001; Nightingale, 2006). As Paasi (1996) writes, 'landscapes are always socially constructed, they are built around dominant social institutions and are ordered by their power. Landscapes are coded by society and several co-existing codes are in a complex way linked to different spheres of life e.g. social, political, cultural or economic. As a result, subjects and landscapes are constantly transforming each other.' The recognition of different resource use rights, and authorization of different resource use practices that are key to territorial contestations can have a significant impact on the shape of the resource itself. Examples include the conversion of forestland to agricultural land, harvesting different types of resources, and even burning forests.[44]

Territorialization as a process to demarcate spatial borders is not only about distinguishing who has rights to use what kind of resources within those borders, but indeed about definitions of rights-bearing subjects.[45] Such an analysis highlights how questions of citizenship and belonging are important, and how territory is the effect of struggles between different actors operating at different scales and their claims to articulate rights over space and resources. Sivaramakrishnan, for example, shows that 'cadastral surveys, censuses, land reforms and commercial forestry have historically worked, as JFM [Joint Forest Management] is doing now, to instigate land use changes that redefine the village community in ways that have pitted village against village' (2000: 448). Further, Paasi (1996: 28) suggests that making territories is always a struggle about the right to propose new definitions of different kinds of bounded categories: 'This means that the question of the production/reproduction of various social distinctions and identities is also essential in the case of spatial demarcations.' For example, as we will detail later in the paper, the definition of what 'community' – as 'a collectivity pursuing a

[44] On the suppression of seasonal burning under community forestry, see Nightingale (2005). On the burning of forests as a form of resistance, see Agarwal (2005). Our evidence suggests that some CFUGs stopped harvesting timber during the war to protest Maoist/state double taxation (see also Nightingale and Sharma, 2014). However, other researchers have reported cases of forests being burned by the army to literally and figuratively "smoke out" Maoists and punish villagers (for example, Shneiderman and Turin, 2010).

[45] On the work of claiming and maintaining boundaries, see Lamb (2014) and Reeves (2011; 2014).

collaborative claim to territory' (Peluso and Lund, 2011) – entails, can become a contingent and changeable thing, subject to negotiation and boundary management.

Community forestry as a program (which in addition to Nepal, is implemented in a wide range of countries), has served to fragment authority over forests by legitimising the governance of thousands of community forest user groups (CFUGs). In cases such as the one we will explore here, where forests appear 'stuck' between the competing claims to managerial authority of the Forest Department on the one hand, and citizen groups on the other hand, we see how territorialization practices themselves produce state effects. Mitchell argues that state formation should be understood as an effect of various mundane processes including spatial organisation, and that this process of re-arranging social and natural environments demonstrates state power (see also, Harris, 2012; 1991; 2002). In other words, as Neumann suggests 'proprietary claims and the process of mapping, bounding, containing and controlling nature and citizenry are what make a state a state. States come into being through these claims and the assertion of control over territory, resources and people' (2004: 185). Thus, it is not only states and their organs and apparatus that make territory and re-inscribe their power into the landscape; citizens and groups of citizens, political brokers and other types of actors do this as well. In the process of making territory, they often bring about state 'effects' and it is in this sense that we see state formation and citizenship to be entangled with territorialization. Negotiations of authority and the recognition of political and resource access rights and property are carried out through interactions between these re-arrangements at different scales. The state-like effects produced by such practices are not simple imitations, but rather reflect often strategic tacking between resisting and reproducing state power by different kinds of people, and therefore they serve to trouble a simple separation of state and society.

Making territory: the empirical puzzle

The empirical material for this paper stems from a puzzle that emerged when Byrne and her research assistant conducted fieldwork in the mid-Western hill district of Salyan in 2011. At the time, the research sought to explore community forest user groups' (CFUGs) strategies for 'living between' the army/police and Maoist rebels during Nepal's decade long civil war. Intending to explore the war-time strategies and tactics of CFUGs for negotiating authority over forest resources, and in particular access to forest

resources, Byrne was directed to a CFUG located at the border between Salyan and Rolpa districts.[46] This CFUG was considered a 'model CFUG' in terms of its performance and resilience in general and especially during the war years. Upon visiting the CFUG, Byrne and her research assistant were told impressive stories about how the CFUG had struggled to maintain its authority: for example, people explained how the Maoists 'kidnapped' the CFUG record book. After getting it back, they kept the original book in hiding and maintained a fake one for the rest of the war in case the Maoists wanted to check it again.[47] With their investments in re-planting, their detailed record keeping, their well-organised forest monitoring and work plan, their investments in other community and infrastructure development initiatives, this seemed to be indeed a model CFUG.

While visiting this CFUG, however, the forested landscape outside of the CFUG's office offered a different surprise. Where this group had invested so much into re-planting, the hill opposite was covered with a very lush forest. This posed a puzzle to the researchers in the field: why would people invest so much in plantation and rehabilitation, when there was this very rich forest right on their doorstep? They did so, the CFUG members explained, because the new CFUG was 'theirs' whereas the rich older forest (called Gansnu) still belonged to the District Forest Office and 'they' were not supposed to use it. In a context such as the mid-hills of Nepal, where the management of huge swathes of forest land has been handed over to local communities, finding a forest in an accessible area that has not yet been handed over is somewhat anomalous. In this locality, the situation had been complicated by the border between the districts of Salyan and Rolpa. Running right through the forest, the border draws into question who exactly constitutes 'the community' that can decide about forest access in the context of community forestry. In other words: territorial borders dissected the forested landscape

[46] CFUGs are officially registered community-based organisations that are mandated by the Government of Nepal with responsibility for managing parcels of forestland. Crucially, however, the bundle of rights accorded to CFUGs does not include ownership, a right that remains with the state (Acharya et al. 2008). Starting in 1978, the government of Nepal started to decentralise forest management rights, first granting limited rights to local governments. When local governments managed forests the relevant border was that of the local government unit, with little regard for the extent of the forest itself or forest use patterns. This was changed with the 1993 Forest Act, which launched the community forestry program. Over the last two decades, a significant proportion of forests used by communities in accessible areas of Nepal's mid-hills have been "handed over" to user-groups.

[47] There are at least two reasons for this. Firstly, maintaining "proper records" is a key part of the "good governance" agenda of community forestry. This even has a material dimension – the fact that the cover of the record book had been torn while in Maoist "custody" was displayed and commented on with disapproval. Secondly, as the Maoists levied taxes on CFUGs, the group wanted to underplay how much money they actually had. Keeping two records for this purpose was a relatively common practice during the war.

– and they did so on several scales, including those of district borders and those of the borders between private land holding and state forest.

CFUGs are important players in the struggle to make territory, both because of the resources at their disposal and their ability to function effectively in contexts where other political actors, including representatives of the state, are less effective. CFUGs possess financial resources (from the sale of forest produce) and also control access to basic livelihood resources (fodder, litter, fuelwood). They therefore 'rule' over a significant local resource, which attracts the interest of many political intermediaries. Even for those who are less dependent on simple access to the forest, there is a significant interest in forest governance authority –for purposes of political profiling, building up leadership experience, deciding on how the CFUG fund will be spent, etc. In this sense, the stakes of governing a territory as a community forest are different than they might be for other kinds of land. We should expect then, that political ruptures have fundamental effects on the workings and rulings of these organisations. And yet, many CFUGs continued to function (many also did not) throughout the turbulent periods of war and post-war transition (Nightingale and Sharma, 2014). CFUGs then emerge as a form of public authority that is in some sense in competition with the state, or at least governs where the state does not (handed over forests). However, in a sense CFUGs also govern on behalf of the state due to the complex property relations that are inherent to the program: the state remains the owner of the forests and simply delegates some decision-making authority. Yet because of the rather complex nature of their authority over forest property, CFUGs are a potent context wherein the legitimacy and practices of public authority are established.

This puzzle leads us to the following observation: although the political landscape in Nepal has seen many ruptures and dramatic changes both of political boundaries and rulers, including the co-existence of 'two governments' during the civil war, these ruptures have not resolved the question of who is entitled to receive benefits from this forest. The natural landscape has gradually changed through the drawing and redrawing of different borders, particularly that between public forestland and private agricultural land. In other words, significant political ruptures have not disrupted the continuity of disputed claims over forest property rights (see also Zurick, 1989). The ruptures have only adapted the practices and discourses through which claims to recognition of these rights are made.

In the following sections we return to our field site, Gansnu forest in mid-Western Nepal, and discuss the wider (in a spatial and temporal sense) territorial politics that frame these practices and discourses to claim recognition of forest property rights. We distinguish three kinds of territorializing practices that invoke different scales: administrative ordering, forest users, and individual encroachment. *First*, we trace the politics of administrative bordering, including its continuity and contestation during times of civil war with competing governing authorities in place. *Second*, we outline the forest-related territory claiming practices deployed by different categories of forest users. *Third*, we show how encroachment and claiming of land for individual use is a form of territorial practice. These three layers are *entangled*, i.e. they influence and shape each other, in terms of rule, rupture and continuity and the pertinent question for our analysis is therefore whether or not – and in which ways - a rupture in rule in one layer affects the rules of the game in another in terms of legitimately claiming resources and demarcate boundaries.

Territorial politics 1: district re-bordering

The first type of territorial politics we trace takes place by government actors at the level of administrative borders, in this case: district borders, and the continuous negotiations involved in re-drawing these borders and the distribution of political powers across different administrative scales. Gansnu forest is situated on the border between two districts – Salyan and Rolpa. The territories of electoral constituencies, public service delivery, private land-holdings and wartime Maoist People's Governments, among others, are at stake in the territorial politics of district re-bordering. As a layer of territorialization that is both (at present) undefined and highly contested, this adds an element of uncertainty to all discussions about political territories (including forest territories). In this section we analyse how these overlapping territories have been produced, and what their dis/continuities can tell us about the importance of place-based notions of political belonging and citizenship. We highlight in particular how citizens are engaged in territory claiming practices in the frame of political lobbying across scales, recourse to judicial review over property registration, and everyday movements to go to the market or access a public service.

Salyan and Rolpa are two districts in the Rapti Zone of Nepal's mid-Western hills. The Rapti Zone has a long history of radical politics dating back to the mid-20th century

(Cailmail, 2009) and in the 1990s became a centre of the decade long Maoist rebellion against the former Royal Government. In order to explore the production of the territories of the districts of Salyan and Rolpa, it is useful to distinguish three key and relatively recent periods. These are, *first* the re-drawing of district borders that took place in 1978 (Nepali year 2035); *second,* the overlapping state and rebel governments in place during most of the civil war (1996-2006); and *third*, the on-going discussions over the shape of a future federal Nepal (2008-). In at least the first example of the production of the territories of Salyan and Rolpa, the interests of local political leaders proved to be highly significant in shaping how actors at local, district and national levels mobilised property claims. In 1978 the then Royal Government undertook a nation-wide re-districting process. Ostensibly this was to create smaller districts and improve access to public services. A Royal Proclamation (*Raj patra*) was issued that documented which localities were to be moved from one district to another,[48] but this led to disputes over precisely where the border should lie.

In this process of re-districting, two issues were at stake in the area around Gansnu forest, known as Kotmaula. These were the location of Rolpa's district headquarters and the location of the border between the districts of Salyan and Rolpa. Powerful leaders from Kotmaula lobbied to have the district headquarters of Rolpa placed in Kotmaula. The district capital of the neighbouring district of Rukum had already been shifted in 1973 due to competition between political families (Ogura, 2007), so there was a precedent that people were familiar with. However, others lobbied more successfully for another locality called Libang, one that is more central to Rolpa district as a whole. Thus Kotmaula, which was a sufficiently important place to be considered as a district headquarters, remained stuck in a border area, peripheral to both Salyan and Rolpa. While significant political capital remained in Kotmaula's political leaders, the locus of decision-making as well as investment in infrastructure shifted elsewhere.

However, having failed at having Kotmaula named as Rolpa's district headquarters, the leaders from Kotmaula were successful in moving the district border. They were able to ensure that some localities around Kotmaula were moved from Rolpa into neighbouring Salyan district, which moved the district borders to the east. Political leaders from both sides of the current border explained to us their view that the placement of the border at this time was based on political interests. The interest was to ensure that powerful

[48] Photocopies of the Proclamation were carefully preserved by our informants but are getting old and are difficult to read in some parts. Attempts to find the original in archives in Kathmandu were not successful.

political families were in separate electoral constituencies, thus not having to compete against each other for election to the national parliament. As a result of these territorial politics, Gansnu forest was located at the intersections of Salyan's two national electoral constituencies as well as the district borders. It thus marks the meeting/dividing point of three different national electoral constituencies (the third being on the Rolpa side) as well as serving to significantly shape local political authority.

Yet the area around Gansnu forest was again subject to a rescaling of political authority during the civil war. At this time the area was under both the authority of the Nepalese state, as well as the 'people's government' (*jana sarkar*) established by the Maoist rebels. By 2003, Kiyoko Ogura found that *jana sarkar* were established in 43 out of the 47 local government units of Salyan (2007: 461). The existing district borders remained salient (or at least this one did) for both state and Maoist governance. Inhabitants on the Salyan side of the border, however, were governed by a different chain of command than on the Rolpa side. In addition, the Maoists also created ethnicity-based territorial units of governance that encompassed the whole region. Our informants felt that the Maoists were stricter on the Rolpa side than the Salyan side of the border, for example taxing remittances at a higher rate in Rolpa and banning Hindu priests from performing marriages. Further, because Rolpa and Rukum were the 'base areas' of the Maoists, borders like the one between Rolpa and Salyan were considered important to the Maoists for security reasons, serving to demarcate particular nuances in terms of citizenship within the new *jana sarkar*. Maoists were especially concerned that information about their numbers and movements did not travel outside of the base area, and therefore discouraged people on the Rolpa side from talking to their neighbours in Salyan. Thus, in effect, Maoist everyday governance took place within the territory of the existing districts and local government units and this served to demarcate in the Maoists' base area in the minds of local inhabitants. However, the whole area was also considered part of the ethnicity-based Magarant Autonomous Region declared by the Maoists in 2004 in a move intended to rescale and reframe the basis of district level authority in the region (de Sales, 2007; Lecomte-Tilouine, 2004; Ogura, 2007).[49]

After 2006, with the signing of the Comprehensive Peace Agreement (CPA), a third period characterized by uncertainty about the territorial governance of Nepal took hold on Nepal's politics. National-level negotiations about transforming Nepal into a federal

[49] The production of ethnic territories both by the Maoists during the war and in the post-war debates about how to define new federal units (one proposal is for ethnic federalism) is highly relevant but not analysed here (see, for example, Shneiderman and Tillin, 2015).

state started in 2008 and were still taking place at the time of writing. Most of the proposed models envisaged the creation of a number of provinces or federal units. Whether or not the current districts survived, it was expected that they would become much less important as powers are delegated to the new provinces. This is important to the issue of the bordering conflict around Gansnu forest. Our respondents expected that the current district border would have much less salience in the future. The 'issue about where to register the forest cannot be decided at the moment. But it does not matter because in a couple of years this border will not matter anymore and we won't have to decide in which district to register the CFUG' (Interview, 30.11.2011). Thus, political boundaries created a resource management problem, but they will also make it disappear again. Throughout the ruptures in rule, the issue at stake remains fundamentally tied to territorially based property rights: who has the right to access and govern the forest, and this continues throughout attempts to rescale authority over the forest.

And yet, how the rescaling of political borders effects property rights was still highly contested. This can be seen in two circumstances – one historical, one contemporary. When the land survey took place in Salyan in 1981, everyone in the territory of Salyan district was required to officially register their land and was issued with a title documenting this. Some families who had land on both sides of the new district border 'were prevented' from registering their land. Registering the land in Salyan would have effectively shifted the district border back slightly west again, and would have linked the concerned families' access to public services and electoral constituency to Salyan. One of these families took a case all the way to the Supreme Court of Nepal to demand that their land be registered in Salyan. The court found that they did not live in Salyan, but in Rolpa (i.e. that the new district border would stand). However, in an unusual compromise, the court ruled that the families could keep their citizenship registration in Salyan (for voting, public services, etc.) but that their land would have to be registered in Rolpa. This verdict meant that these families were supposed to pay land taxes in Rolpa and access public services in Salyan. The state seemed to recognise at the time that it had to let its citizens 'belong' in the places they feel linked to, and yet it also wanted to ensure that the lines on the map stay in their 'proper' place. This move could be interpreted as a decoupling of the territory of property (land ownership) from that of citizenship (entitlement to state services). Though on a limited scale, it also produces an interesting example of a border as chessboard, rather than a simple line (Reeves, 2011).

The other case is more contemporary: A recent conflict assessment conducted for USAID highlighted an incident that occurred when a national newspaper reported that there had been discussions about dividing Salyan district (Saferworld, 2013). This discussion had apparently taken place in the context of the on-going debate about defining the federal units in Nepal's new federal state structure. Amongst other issues, a key point of contention was whether the units should be based on ethnic criteria. The report indicates that the political parties traded accusations and 'people called for a "single Salyan" (*akhanda Salyan* in Nepali). There were tensions in the district for three to four days' (Saferworld, 2013: 39). While the situation was eventually calmed down and the main political parties stated that they had not proposed dividing the district, similar incidents reported in other parts of the country indicated that this was not an isolated case of contesting some of the underlying principles of federalism. As this incident took place after our fieldwork, we have not explored in depth the underlying issues behind how this news was produced and how the tensions were escalated and mediated. However, it resonates with concerns raised by some of our informants (in this case Chhetris and Thakuris) about ending up in a new province that 'belongs' to another ethnic group (in this case Magars). Thus while re-drawing district borders might solve the issue of Gansnu forest, it is likely to raise other contentious questions about community, citizenship, territory and authority.

In this section we have traced a series of territorialising practices employed by state organs and officials and citizens related to the border of the districts of Salyan and Rolpa and access to the resultant place-related citizenship rights such as voting (electoral constituencies) and public services (location of the district headquarters and location of registered property). While the state reserves the right to delimit its internal units of governance, politically active citizens engage in border-making (or claiming property rights) as well, for example through attempts to mobilise political influence, a court case, or floating proposals of dividing the district. Interestingly, the revolutionary Maoist People's Governments replicated these very same territorial borders during the war – there was no territorial rupture in that sense. However, the Maoists added an additional layer of ethnically defined political units - a practice of rescaling borders, and recognition of the ethnic basis of belonging (as opposed to place-based) that has important implications in today's debates on federalism. Through bordering districts, electoral constituencies, war time People's Governments and future federal units, the state and citizens have been engaged in an on-going negotiation over the shape of the political landscape and the resultant linkages between territories, property and citizenship rights.

Territorial politics 2: forest-related territory claiming practices

Now we turn to the level of the forest itself, where the state-like effects of citizen collective action are most visible. In a context in which the state was not able or not willing to effectively govern the forest – where the power of the state effect was weak – citizens stepped in, 'territorializing like a state' (Vaccaro, 2005), to define the bundle of rights governing forest use. In so doing, a group of forest users both sought recognition from the state (to be recognised as an official community forest user group) and bolstered their claim to forest governance authority vis à vis that of the state by mimicking state practices of forest conservation. The users claimed they were practicing superior conservation credentials than the state itself. In the following paragraphs we highlight the ways in which community members claimed rights to forest property and the authority to govern by establishing the community forest as a bounded and meaningful social space with a particular bundle of powers. In so doing, we highlight practices of meaning making, border work and the negotiation and deployment of categorical and concrete property practices.

As the people living around the forest were active members of other community forest user groups in the area, it was initially surprising that they had not managed to get the paperwork done in order to have Gansnu handed over as a community forest. Gansnu is a relatively valuable forest – not necessarily in terms of timber, but in terms of non-timber forest products and basic subsistence needs such as fuelwood and fodder, medicinal herbs and water, making it attractive to be governed through a CFUG. In addition, the situation needs to be contextualized within the powerful implementation of community forest management and the handing over of forests to 'communities', which in Salyan and Rolpa amount to between one half and two thirds of forestland. This was what we considered our empirical puzzle: how did it come to be that Gansnu forest did not yet belong to 'the community' – whatever its borders might be – in a neighbourhood with several functional CFUGs?

In Gansnu, we were told that the forest could not be handed over because there was a disagreement over who could claim property rights to it. The great majority of the forestland was considered to be in what is now Rolpa district, and the great majority of the traditional users live in what is now Salyan district. According to the official legislation, there was no problem for forest users from Salyan to be members of a

community forest located and registered in Rolpa, as official policy did not consider district borders as central in defining forest users.[50] However, the forest users themselves perceived this to be a problem. Their problem was that officially the forest would need to be registered in one or the other district; users on either side of the border feared exclusion should the forest be registered in the other district. Some informants therefore claimed that the core problem was a lack of trust between users located in different districts. The scale at which local users felt secure in claiming property rights then seemed to reflect the official system prior to the 1990s, under which local governments managed forests and the relevant territorial scale was that of the local government, as one informant suggested (interview, 02.12.11).

Conflicts over the territory of community forests have not been uncommon in rural Nepal, particularly during the process of establishing new CFUGs in the 1990s (see Yadav et al., 2003). As Lund and Boone (2013) have pointed out, processes of recognition often become focal points of contestation among groups in society. Usually these conflicts are about either the exact borders of the forest under question or about membership of the group. With regards to the borders, the relationship between out-dated and incomprehensible cadastral maps and the situation on the ground is contested. Often the main issue about membership is the extent to which seasonal forest users (i.e. pastoralists) are included alongside everyday forest users. Generally these conflicts are resolved at the time of handing over the forest. The interesting dynamic in the case of Gansnu forest is that the forest users contest the proper scale for forest governance authority, even while simple access may be ensured (at least legally).

In view of the unresolved political questions of district borders and belonging, local resource users formed an unofficial community forest user group. The group has been functioning over the past 30 years (with the exception of the latter years of the war). This group mirrors or imitates official groups in several ways, but is not registered with the District Forest Office (DFO) of either district. Nevertheless, the people are all members of other official CFUGs and therefore know the basic working procedures and the kinds of rules that are implemented. For some years the CFUG has been a joint one, mostly when it was under the leadership of someone from Rolpa. At the time of our last visit (March 2013), a joint unofficial CFUG was in operation, with a chairperson from Rolpa and secretary and treasurer from Salyan. The main purpose of the group is to provide a

[50] The Master Plan for the Forestry Sector of 1988, the Forest Act of 1993 and the Forest Regulations of 1995 give the legal and regulatory frame for community forestry.

space in which issues of forest governance can be discussed and to maintain a claim on the part of the communities to legitimate authority over what otherwise is under government property rights to forests (in which communities have no say).

The local resource users organized in this unofficial CFUG thereby asserted the function of conserving the forest resource, as the District Forest Officers (DFOs) of both Rolpa and Salyan claimed to not have enough staff to effectively supervise the forests under their responsibility. This discourse of conservation was repeatedly and extensively employed by all of our informants. While their knowledge of our former affiliation with a community forestry programme may have played into why this topic was constantly raised, we nevertheless found the forest users' discursive and practical commitments to conservation to be striking. Of course, forest conservation is not only an invention of the international development community, but it is also a specific indigenous practice consisting of myriad diverse and sophisticated local initiatives that are conservationist and at least partially effective in the sustainable management of local natural resources (Müller-Böker, 1991; Zurick, 1990). In this context, conservation functioned as both a concrete and a categorical property practice (von Benda-Beckmann et al., 2006). Categorically, it served to align the forest users with the state's policies aiming to conserve forestland and wildlife and to prevent deforestation. In concrete terms, the practice of conservation instigated by the unofficial CFUG delimited – on its own initiative - a particular bundle of access rights. In this case, the user group was doing the job of the DFO, and doing it, it was claimed, much more effectively than the DFO would have done, thereby legitimating their property claims in terms of access.

The unofficial CFUG did not have an operational plan or a constitution as are required of official CFUGs, but it did impose a series of rules. These rules were similar to those imposed in neighbouring CFUGs, and while they were not written down, they were clearly well understood as almost everyone we asked gave the same account. In order to help enforce these rules, the community had employed a local resident as forest guard for 22 years, paid through contributions from the forest users. According to the forest guard his tasks were to stop people from cutting timber, hunting animals (deer), grazing animals and collecting herbs. The local people often raised the fact that they were employing the forest guard as a sign that they were serious about conservation. The community had no authority to impose these rules, as it was government property and the DFO was in charge of managing and protecting it. The DFO of Salyan (three individuals held the post of DFO in the 1.5 years span in which fieldwork for this paper was conducted) generally tolerated these practices as long as the community was acting

in the interests of conservation. The respondents from Salyan, in turn, often voiced their conservation credentials and their seriousness about its implementation as reason for why they should have the authority to manage the forest. It is thus by exercising territorial control over spaces and the relationships between people and resources that emerge within those spaces, that institutions (in this case the CFUG) exhibit state effects.

In fact, conservation practices in this case are crucial to how different actors 'make territory' by attempting to differently bound Gansnu forest and define the bundle of use rights available. These ranged from the very laissez faire approach of the DFO, to the proactive approach of forest users employing a forest guard for a forest to which they had no official property rights. Here, we can see that the community had adopted many of the practices and discourses of community forestry policies, in particular the emphasis on conservation and good governance, in the service of their own territorializing strategy. Though they may appear as fully 'environmentalized' subjects (Agarwal, 2005), we suggest that the community was 'territorializing like a state', precisely to make a claim to a state controlled resource in the language of a state sponsored program. The mimicking of the practices and discourses of community forestry was thus a territorial strategy to ensure *de facto*, if not *de jure*, continued rights to access and use Gansnu forest. The fact that the discourse of conservation was more prominently expressed on the Salyan side of the border, who had a weaker claim based on where the border was delimited at the time of research, attests to this use of conservation to shore up territorial authority and property claims.

Territorial politics 3: encroachment and the politics of recognition

From the spatial registers of district and forest borders, we now turn to territorial practices around individual property and land use. Conflicts over individual land use practices, in particular around the conversion of forestland to farmland, are a potent domain wherein citizens claim rights and territory is produced. We will illustrate this by looking at *ailani* land, which is public land privately occupied and not registered.[51]

[51] *Ailani* land concerns a situation wherein the land user does not have the official legal right to use this land, but is generally understood to have some kind of customary or traditional usufruct rights. The general pattern is that a farmer who owns a particular piece of registered land gradually expands by taking over near-by areas if they are unregistered or public land. Or, at the time of land registration, people might have registered less land than they were actually using.

Property categories and taxation are thus another important dimension through which citizen-state relations are negotiated. In this particular context, the dynamics of a series of political ruptures complicate matters as land use patterns that may have been recognised under one regime are brought into question under its successor.

Ailani has long been practiced in the area around Gansnu and informants described it as being quite a normal land use practice. However, it had started to become a contested issue in two ways. Firstly, during the war, the Maoists demanded tax from *ailani* land, saying that if people were using public land they should pay for it. They charged a certain amount per *ropeni* (unit of land measurement), although the figures we were given varied somewhat (and they may also have varied in implementation). Some people were able to resist them and negotiate their way out of paying this, while others had to pay. Those who paid were issued with a receipt or certificate to document the transaction. The *ailani* system was thus made official by the Maoist wartime government, but its legitimacy disappeared when that government disappeared at the end of the war. The new Nepali government did not recognise land registrations carried out by these wartime governments. Transparency about what happened to the funds paid, how much additional forest encroachment the Maoists legitimised, and the extent to which that documentation of tax payments is still valid as a confirmation of use rights all remain highly sensitive issues. This situation created conflict among villagers (see also de Sales, 2013). The struggle for recognition is thus key to *ailani* practices.

The term ‘encroachment’ signposts the second contentious issue: what for some was a more or less acceptable traditional and widespread practice (that was even legitimised through the Maoist practices of tax collections), seemed to others as an unacceptable, unlawful act. There had been incidents of alleged violence when women were cutting grasses in what they considered to be *ailani* land while others, self-appointed defenders of the forest, considered these actions to be encroachment on forest land. In one incident that was recounted, some forty ‘forest defenders’ confronted a small group of women who were cutting grass and confiscated their material (knives, baskets, etc.). It was hard to get a clear picture of when *ailani* was considered to have turned into encroachment but there seemed to be an assessment that certain people had taken over too much of their neighbouring forestland. A little expansion of land was considered to be common practice but at a certain point some people had, in their neighbours’ view, become greedy.

The question here is who provides recognition or not for *ailani* practices and whether these practices of recognising vary across different categories of people. Some informants suspected that some families were being made scapegoats for a more widespread practice in order that conservation credentials could be performed in relation to the District Forest Office (DFO) and donor projects. Indeed, some of our informants claimed they would prevent the forest from being registered as a community forest until these wartime forest encroachments were documented and addressed. Establishing totally new plots of farmland within the forest was explained as a clear case of encroachment, and some cleared islands in the middle of the forest were pointed out with disapproval. As the DFOs in both districts were taking a hands-off position (lack of capacities to properly monitor, etc.), the communities had taken it upon themselves to police this issue. The unofficial Gansnu CFUG stopped functioning during the war due to threats made to its leaders by the Maoist authorities. The forest users we spoke to on both sides of the district border decried that a lot of deforestation had taken place during the war years. The Maoists' system of taxation had encouraged or legitimised the encroachment, affecting the high rate of forestland conversion during the war. This made efforts to turn back or reduce encroachment after the war politically sensitive.

The contentious question of *ailani* thus indicates how territorial practices at one scale are often intertwined with territorial practices at other scales. In this particular case, claims to have the right to 'police' encroachment became intertwined, both with the legacy of territorial practices imposed/allowed by the Maoists during the war, the failure of the state officials to implement regulations and the conservation rhetoric of an unofficial CFUG that gained organisational strength after the war. In this example, we see very clearly how territorializing practices entangle with authority and citizenship claims. Conservation credentials were used as a practice to legitimize claims to forest governance authority and at the same time, served to demarcate various forms of property and belonging.

Making territory

In this paper we have described three different scales wherein the authority over and property rights to a contested forest located on the border between Salyan and Rolpa districts in mid-Western Nepal were demarcated. Our argument has been that while political ruptures such as war and post-war political settlements may unsettle and

reshuffle the political terrain, claims to political and resource rights may endure, even if the language and form of the claim is adapted. These claims are embedded within existing political jurisdictions but at the same time, actors at different scales seek to lay claims to property and citizenship rights by working across jurisdictional scales. It is through this lens that the words of our informant we quoted at the beginning of the paper make more sense: *"If we are working for conservation, we have no one to fear".* Conservation became one, among a number of others, of the tactical narratives to effectuate claims to forest territory amidst the turmoil of a contested and highly unstable political landscape. Safety here refers to the ability of user-group members to claim property rights over that forest territory at different scales including to various government actors as well as the Maoist rebels, but the important point is that they do this by claiming to produce 'good' territory. These claims serve to demarcate property and borders as well as to assert citizenship rights and belonging. We see that the specific bundle of powers governing access to forests (among other things) has been quite stable throughout a period of "permanent transition" (Wydra, 2000) and regular political ruptures.

The cases thus show how territorialization practices serve to produce state effects, both by being domains wherein authority over forest property and district borders are contested, and also by highlighting the muddy tracts of citizenship claims. These claims are entangled in jurisdiction over land taxation, conservation landscapes, and encroachment of forests that are technically the property of the government. In our analysis, we have traced out a series of processes through which 'state', 'citizen' and 'forest' as rights objects are mutually produced through acts of territorialization. In so doing, we have highlighted the relationship between the production of authority and political and natural landscapes through an analysis of concrete practices of meaning making, bordering, recognition and authority claiming. The relationship between citizens and state in processes of territorialization is not simply the dialectic of expansion and resistance but is complicated by a series of not always consistent strategies on both sides. Crucially, however, we must recognise that citizens have their own strategies and this should be integrated into our analyses of territorialization.

What emerges from this analysis is the ways in which a rupture in rule at one scale has remarkably little effect on the terms of claiming property and access rights and demarcating boundaries at other scales. When we look across the three cases, we see instead how local level forest users and landowners worked within and across ruptured authorities in order to maintain their claims to property. They assert citizenship rights by

demanding that they are able to gain access to services in locations that make most sense for them geographically, but this kind of territorial claim is simultaneously resisted by the national state that wants to protect the integrity of jurisdiction over land. Citizens thus find themselves sitting within an entangled landscape of property, territory, access and rights that does not map cleanly onto the political jurisdictional borders surrounding them. Political ruptures expose these entanglements and make them more visible, thereby providing the empirical material for a reading of territorialization as 'making territory' beyond the state. We argue that analyses of territorialization processes should go deeper than seeing them as an expanding frontier of state territory into forestlands, resisted in various ways by local communities. Making territory takes place at a variety of scales and constitutes a multitude of political spaces. Where these spaces intersect, negotiation of their different boundaries and differently composed relationships between rights and authority gives meaning to such categories as 'citizen', 'forest' and 'state'. It is in this sense that territorializing practices are foundational to state formation. They show the messy and complex practices through which authority is claimed and legitimated, citizenship rights are asserted and defined, and property rights quite literally transform landscapes and resources. Territory, thus, is an effect of the socio-political relations of multiple claimants and their desires for citizenship and recognition, and authority holders (not only a state project). These territorial effects are always fragile and preliminary in their achievements.

9. Constructing legitimacy

This chapter is a reproduction of the published article (the published version can be viewed in the annex):

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Introduction

Historians have paid too much attention to revolutions and too little to the creation of political stability …. Stability no less than revolution may have its own kind of Terror.
E.P. Thompson (cited in Peluso, 1992: 44)

Bringing together ethnographic evidence from mid-Western Nepal and eastern Sri Lanka, this article explores how political legitimacy is constructed and contested in post-war environments. The two regions are marked respectively by the history of Maoist revolutionary and Tamil separatist insurgencies, both of which challenged the legitimacy of the prevailing political and social order. Both rebel movements produced parallel, overlapping and – to stick with the catchphrase of this special issue – 'anomalous' forms of rule, which they legitimated in registers both similar and different to those of the regimes whose rule they contested. We take a complementary approach by analysing not how such 'anomalous rule' produced its legitimacy, but rather how legitimacy is produced in the period that follows. We thus take what you might call a temporal mirror image by exploring the politics of dismantling anomalous rule and bringing about

'normality'. We explore how the space of legitimate politics is defined and delimited in the post-war period, and in particular the role local politicians play in this definition and delimitation.

Geographical scholarship has not shied away from asking fundamental questions about politics. Over the past decade or so, there has been debate about the nature of democratic politics and the political, about the boundaries of the political and what lies beyond it, and about the contradictions between deliberative and antagonistic understandings of politics (Barnett, 2008; Barnett, 2012; Spencer, 2012; Staeheli, 2010; Swyngedouw, 2009). These contentions are steeped in a broader theoretical debate on the democratic 'piety', the 'crisis' of democracy and 'post-democracy' (Crouch, 2004; Deneen, 2005; Little, 2008; Mouffe, 2005; Rancière, 1999). The question of legitimacy is never far off in these debates, but often remains somewhat implicit. A recent special issue in this journal edited by David Featherstone and Benedikt Korf (2012) attempted to straddle the problematic divide between the rather abstract ontological notions that often characterize these debates and 'actually existing politics', as captured by more ethnographically oriented scholarship. In so doing, some of the big dichotomies in the theoretical debate start to dissolve: boundaries are blurred, contradictions become apparent (see also Barnett, 2012; Spencer, 2008).

Our article is written in a similar spirit of bringing together the politics of specific empirical sites with larger conceptual questions about 'politics in general'. Rather than simply applying European theorists to South Asian contexts, we engage with the literature on South (and South East) Asian politics (e.g. Alagappa, 1995; Chatterjee, 2004; Hansen, 2001a; Ruud, 2001; Spencer, 2007) to explore our empirical findings, before returning to some of the bigger questions about politics and legitimacy.

This literature gives quite a good sense of what 'normal', 'actually existing' politics comprises in South Asia. As we understand it, normal is clearly not the equivalent of good. In fact, the literature on South Asian politics usefully directs us to the political work that goes into producing norms and boundaries that demarcate what stands as legitimate politics. These insights are helpful when grappling with countries emerging from long years of war and upheaval, because the political transitions in these countries are typically steeped in discursive registers of returning to purported normalcy, i.e. in the need to redress the preceding anomaly. While we understand political legitimation as a process that is always 'contingent, dynamic and continuously defined' (Alagappa, 1995: 29), post-war transitions represent particularly fluid and precarious moments where the

new rules of the game are negotiated. This involves important shifts in the kinds of politics that are considered legitimate and those that are rendered out of bounds.

The post-war shift in what is seen as legitimate or normal politics constrains certain kinds of actors, tactics, and registers, and it amplifies others. On the basis of our findings in post-war Nepal and Sri Lanka, we argue that this shift in the sphere of legitimate politics involves at least two important adverse effects. Firstly, post-war democratic politics has a silencing effect; it reduces the space for dissent and sidelines oppositional views. Rather than resolving the structural political causes underlying the wars in both countries, contestation over these issues has effectively been put on hold (in Nepal) or is supressed (in Sri Lanka). Secondly, it increases the space for politicking; for political entrepreneurs to elbow their way into government and secure patronage for their constituencies. In short, we might say that the newly delimited sphere of legitimate politics in the post-war contexts represents a curtailment of 'the political' and a relative intensification of petty politics. Of course the dynamics of political transition are complex. We acknowledge that in-depth examination of other bases of political legitimation remain beyond the scope of this paper.[52]

A shift in the sphere of legitimate politics does not simply obtain as a result of the end of the war, but is the outcome of the work of political actors engaged in processes of legitimation. We argue that, in the post-war context, the reification of national unity and the delivery of patronage are centrally important to the way some politicians claim legitimacy. However, doing so requires them to set aside some of the more contentious or antagonistic issues related to inequality or identity politics. Several of the key issues that were at stake in the wars are thus neutralised, or at least put on hold, while the space for political competition focuses on the distribution of state largess. These adverse effects that we observe are not simply problems of context (the trouble of crafting democracy in a post-war environment), but rather expose more fundamental fallibilities and contradictions of democratic politics. The flux of the post-war moment only makes them more precarious and more visible.

This paper proceeds with a brief note on methodology and context, followed by a conceptual section that places our argument in the literature on South Asian politics

[52] There is, for example, interesting work on ethnicity based political movements in different regions of Nepal (see Gellner and Karki, 2008; Hangen, 2011; Jha, 2014) and on legitimation strategies to do with populism, securitization, statesmanship and antagonism towards international actors in Sri Lanka (Uyangoda and de Mel, 2012; Wickramasinghe, 2014).

(and on political legitimacy in Asia more broadly). The empirical section is organised along the two main strands of our argument – the silencing effects of post-war politics, and the surge of politicking and patronage. Both sections include insights from Nepal and Sri Lanka. These two strands are drawn together again in the conclusion.

A comparative perspective

This article emerged out of a dialogue between the two authors, each having written separately about the politics of post-war transition in Sri Lanka (Klem, 2012a; Klem, 2014a; Klem, 2014b) and Nepal (Byrne and Shrestha, 2014). This dialogue was driven by some fascinating parallels, contradictions and complementarities between our analyses. This is thus not a classical comparative study where researchers set out to explore two carefully selected cases with a similar list of questions in hand, but rather an intellectual exchange between two streams of research that were initiated independently of each other. Exploring and interrogating each other's observations with regard to the practices of abeyance, silencing and patronage has allowed us to uncover specificities of each context, and at the same time allowed us to engage with the wider debates about (South Asian) democratic politics and about post-war transitions.

Methodologically, this paper draws on qualitative fieldwork conducted primarily in mid-western Nepal and Eastern Sri Lanka both during (Sri Lanka) and after (Nepal, Sri Lanka) the civil wars that affected these countries. While we seek to connect different scales of politics in our analysis, political dynamics at the local level are our main empirical point of departure. Mid-western Nepal was the heartland of the Maoist uprising, where the movement was best and longest established, and the region most affected by the war. Our data from Nepal are focussed on village-level political dynamics in this context and is based on several visits between 2009-2013. Fieldwork in Sri Lanka focused on the multi-ethnic, war-affected east coast. It comprised a sequence of visits over the past decade, but draws most strongly on observations and interviews made after the defeat of the Liberation Tigers of Tamil Eelam (LTTE), which was first driven out of the east (2007) and then comprehensively defeated (2009).

At a general level, there is some contextual resemblance between the two South Asian countries in terms of the social diversity of both societies, the contested processes of state formation, the backdrop of India's regional hegemony and – most importantly – the

recent history of protracted civil war, in which insurgents created forms and spaces of de facto sovereignty (Hansen and Stepputat, 2006; Manandhar, 2010; Ogura, 2008; Thiranagama, 2013). Having said that, there are also a number of striking contrasts, particularly in terms of the genesis and progression of democratic politics and in terms of how the war was brought to an end in each country. Nepal is struggling with a protracted process of seeking a negotiated way out of the conflict by crafting a republican and federal democracy. This process was precipitated by a military stalemate and initiated by the signing of a Comprehensive Peace Accord (2006). This set the stage for the formulation of an Interim Constitution (2007) and election of a Constituent Assembly (2008, and again in 2013) charged with drafting a new constitution for a 'New Nepal'. Sri Lanka, on the other hand, represents a victor's peace: the Tamil insurgents were comprehensively defeated in May 2009. The triumph enabled the government to further centralise the state and consolidate its political power, arguably aggravating rather than addressing the ethnic minority grievances that underpinned the conflict to begin with.

Both countries are thus post-war contexts – large-scale organised violence has come to an end – but many of the underlying contested issues are clearly not resolved. Post-war transition is a process in which many of the war-related issues and dynamics continue or reincarnate in different form, but which also involves important changes. For all the forms of continuity and scepticism about labelling either country as 'peaceful', it does make a crucial difference that the respective wars are over. This becomes particularly clear when the end of the war is fairly clearly marked, as was the case in Nepal (the peace agreement of 2006) and Sri Lanka (the military victory of 2009). However, the different ways the wars ended puts Nepali and Sri Lankan post-war politics on quite a different footing. In the case of Nepal, the end of the war marks the beginning of a process of state-restructuring, indeed of nation-building, implying addressing "questions that have been neglected since the country's creation in the late 18th century, such as 'Who are we?'" (Pandey, 2012: 84). The new 'rules of the game' are to be defined by a Constituent Assembly that is now in its second term. However, practically speaking, 'New Nepal' is coming into being as much in villages and small towns as it is in the chambers of the Constituent Assembly and the resorts where high-level political meetings take place. The overwhelming military victory of the Sri Lankan government over the insurgents, in contrast, means that the post-war 'rules of the game' are abundantly clear. The dominance and centralising tendencies of Sri Lanka's post-victory government amount to political closure, most clearly for ethnic minorities, but with major consequences for the democratic system at large.

The politics of legitimation in post-war transition

Democratic values and institutions are a central theme in countries emerging from war – not least for the people inhabiting them – and there is a rich body of academic work on democratization and post-war democratization in particular (Bastian and Luckham, 2003; Bertrand et al., 2007; Carothers, 2002; Manning, 2008; Mansfield and Snyder, 2005). When we look at our two cases, our analysis concurs with that of Mona Lilja and Joakim Öjendal (2009: 298), who write that "clearly, the real world complexities of major social change – as with democratisation – have outpaced the somewhat simple metaphors of the 'third wave of democratisation' and 'transition' type of literature." Thus our interest here is what may be termed 'actually existing politics' (Spencer, 2007: 178): the process of legitimation rather than the ascribed normative label of legitimacy, and how a new 'normal' is defined and delimited in response to the defeat or dismantling of the 'anomalous'.

Our understanding of processes of legitimation has been shaped by the work of Muthiah Alagappa (1995), who in an edited volume sets out to explain how political legitimacy is produced. Building on Max Weber's classical definition, Alagappa (1995: 13) suggests that the process of legitimation is 'characterised by projections and counter-projections of legitimacy, by contestation of meanings, and by deployment of resources including coercion, negotiation, and possibly suppression and termination.' Studying processes of legitimation illuminates the role of power, writes John Sidel (1995: 139): '[T]he grounds on which legitimacy is claimed often reveal precisely what they are designed to mystify or obscure: essential realities about the nature of political and economic power. Reading backwards, legitimacy claims specify what exactly, in a given setting, is considered dangerously illegitimate.' Legitimacy inhabits the juncture of morality and power. Claiming legitimacy entails making claims about the morality or rightfulness of rule. As Alagappa points out, this is not merely a strategy to perpetuate rule, but also the basis for the self-justification in moral terms that is important to most rulers (1995: 4).

The morality of rule, and drawing a distinction between moral and immoral aspects of governance, is a recurrent theme in the literature on South Asian politics. Thomas Blom Hansen's work on violence and politics in Mumbai (2001a; 2001b) is key in this regard. Drawing on Ernst Kantorowicz's 'The King's Two Bodies' (1997 [1957]), which explores the sublime and profane roots of political authority, Hansen argues the imaginary of the modern Indian state is marked by these two morally contradictory qualities. Political

authority is feared for its brutal, partial and compromised qualities (profane), but at the same time instils awe for its myth of being rational, natural, and inevitable (sublime) (2001a: 34-38). This 'duality in the cultural construction of the state' (2001a: 36) has wider purchase; it runs through much of the writing on South Asian politics. The former dimension emerges in writing about the quasi-religious awe in which democratic institutions are held (cf. Mukalika Banerjee's work on 'sacred elections' 2008). Other writing explores the latter dimension: the immoral and unsavoury connotations of politics. Labelling something as political amounts to discrediting it as a sly exercise in bargaining, tricking, elbowing aside and outmanoeuvring others. Arild Engelsen Ruud's (2001) work in West Bengal tackles these dimensions of politics head on. Politicians, he argues, need to be able to operate different registers. They need to establish themselves as people of 'value and power' (2001: 115), with sufficient charisma and moral authority to represent the community and adjudicate local squabbles. And yet, political potency also equals the ability to fix things, strike good bargains, and secure benefits. The latter set of qualities earns politicians a reputation of being 'crooks, corrupt and self-seeking, unprincipled and devoid of ideological commitment' (2001: 116). While this is seen as deplorable and undignified, it is also accepted as a necessity. 'One simply cannot, it was implied, become powerful and important by being principled and clean' (2001: 117).

These political networks and the associated modus operandi are no coincidence, as Partha Chatterjee's work on democracy as 'the politics of the governed' (2004: 4) reminds us. They are steeped in the history of the post-colonial state, which provides welfare and security to popular subjects, rather than crafting citizens, i.e. equal members of a civic nation with the ability to act on their sovereignty as a people. The bulk of India's supposed citizens are not in fact able to exercise their entitlements through the state's liberal institutions, for example because they live as squatters in illegal settlements or work as unauthorized street vendors.

They thus resort to politicians and other mediators to get things done and get by. 'Political society' (as a mirror image of 'civil society') is what Chatterjee calls these networks between the governed and the governing. While these networks and the transactions undertaken through them tend to interpret the law books rather loosely – much of it could be designated as a form of corruption – Chatterjee underlines that this is simply how things work. The paralegal aspect of political society is not a 'pathological condition or retarded modernity, but rather part of the very process of the historical constitution of modernity in most of the world' (2004: 75).

Democracy has vernacularized in South Asia, a useful comparative report on the state of democracy in the region points out, drawing from a formidable set of surveying data (SDSA Team, 2008). This re-working focuses on substantive issues of people's rule, political freedom, equality of outcomes and political rights and rather less on institutional-procedural dimensions and the rule of law (2008: 26). There are also differences in emphasis among the nations of the region. Sri Lankan debates on democracy are strongly preoccupied with questions of state reform, power sharing and devolution in connection to concerns about ethnic minorities (Uyangoda, 2011; Uyangoda and de Mel, 2012). The practice and politics of democracy in Nepal is imbued with the struggle to open spaces for political debate and develop political consciousness, on the one hand, and a certain ambivalence about them, on the other (Baral, 1977; Pfaff-Czarnecka, 2008; Ramirez, 2000; Shneiderman, 2009). While popular support for democracy and antipathy of authoritarianism remains very high throughout the region, the political foundations of democracy (mainly the idea of the nation-state and associated notions of citizenship) strongly constrain the political imaginary, thus making South Asian democracy prone to the forces of nationalism, social inequalities and majoritarianism (SDSA Team, 2008).

In relation to this, Jonathan Spencer (2007) points out that the legitimacy of the state hinges in part on the tendency to exempt it from politics. More fundamentally, he observes, issues of national concern – the fundamentally political stuff of the nation and the nature of the state – are often bracketed as apolitical, so as to isolate them from the amoral world of politics. And this in turn helps account for the fact that liberal institutions can have very illiberal consequences. Democratic politics can fuel nationalism, exclusion and, indeed, war. The following fragment from Spencer's fieldwork in Southern Sri Lanka in the early 1980s illustrates his argument well:

> 'One day I stopped by at a tea-shop in the centre of the village. The proprietor, by then a good friend of mine, had his head in a fat and rather glossy pamphlet. The title of the pamphlet was Kavuda kotiya? (Who is the Tiger?), and it was one of a series of Sinhala pamphlets, produced and circulated around this time by a leading ultra-nationalist minister in the United National Party (UNP) government called Cyril Mathew. 'Ah', I said to my friend, 'I didn't know you were interested in politics' (desapalanaya). 'Oh, this isn't politics', he replied, 'this is about the national question' (jatika prasnaya). A few months later, thousands of Tamils were killed in a pogrom in the south of the island. And after this came civil war.' (2008: 611)

Spencer then explores this peculiar discursive divide between the world of 'politics' and the world of 'the national'. The drawing of this boundary, the cordoning off of the nation, the state and culture, is itself a deeply political act. What is at stake here is thus not just the inter-connection between violence and politics, and the fact that political contestation can escalate into full-fledged war and vice versa, but also the more fundamental question of what even defines the difference between them and who gets to define it. What in other words is produced as the sphere of politics and what is rendered out of its bounds? Exempting 'the national' from politics as the natural patriotic order of things, elevated from the hustle tussle of party competition, is itself a fundamentally political act. And placing opposition to that order outside the political realm by presenting such protagonists as rowdies, rebels or terrorists who should join the democratic stream and play by the rules is similarly infused with political work of producing legitimacy and illegitimacy.

Thus it becomes clear that democratic institutions do not only provide a platform for political competition. They are themselves political expressions. There is, to speak with Harriss, Stokke and Törnquist, a 'need to bring the political back into democratisation, in other words, for politicising democracy' (2004: 26, italics in the original). This is particularly clear in countries emerging from war, typically contexts where the political system of practices, institutions and relations that had become naturalised and legitimised over time have more recently been faced with radical contestation at a foundational level. After all, the nature of the state and the political system are usually among the strongest ingredients of war's causal cocktail. Post-war politics is thus not simply about the outcome of the next elections; it taps into the very heart of the entire political architecture. While the basic idea of post-war transition as the return (or inception) of 'normal politics' has some purchase among our respondents, it is also clear that the production, legitimation and naturalisation vested in the adjective 'normal' probably reflects the hardest political work that is carried out in both countries. In both our cases, we see a post-war shift in the kinds of politics that are possible and the kinds of issues actors and strategies that are considered legitimate (or no longer so). It is through these changes that the politics of democracy itself – what is understood as legitimate politics and what is not – becomes particularly visible and precarious in post-war contexts.

Political legitimation and the hiding of contentious politics through consensus

Due to the rugged landscape, remote villages and lack of road access, porters do much of the transportation of goods in Nepal's hilly regions. They can often be seen making their way up steep paths carrying heavy loads and with only plastic sandals on their feet. Sometimes these paths come together under the shade of a large tree, a point that becomes a meeting and resting place for travellers and locals alike, known as *chautara*. A local politician evoked a *chautara* as a metaphor to explain why an all-party consultative body called the 'All Party Mechanism' (APM) was needed: 'it is like porters need a resting place. The APM is important; it is a necessity. In old days also there was the *Mukhiya* and *Panchayat* system. It was clear where and to whom to take problems. If there were a VDC [local government] chairperson then it would be different. But since there is no elected body, the APM is a resting place for the different problems in the VDC' (Interview 15.03.2012). Clearly, in his view, both porters and politics need places to stop and rest. Initially an informal practice, then formalised at the end of the war, only to be disbanded in 2012 in the face of widespread allegations of corruption, this institution continues to operate throughout the country to legitimate local government decisions. Key to the functioning of the APM is the practice of taking decisions by consensus, in particular since no political party has the clear authority to govern locally – the term of the last elected local governments ended in 2002. Initially planned to take place after the a federal constitution is approved and the federal units established, the inability of the Constituent Assembly to produce such an agreement has resulted in the perpetual postponement of local elections and entrenchment of purportedly 'transitional' ad-hoc arrangements.

Indeed, consensus has been a key Leitmotif of the political transition at all levels, from local government to the Constituent Assembly, and is stipulated in the Interim Constitution as a disagreement resolution mechanism. A member of the first Constituent Assembly (2008-2012) explained to Amanda Snellinger (2015) that consensus is necessary during transition periods when there are no formal procedures in place to guide the political process. The political parties concluded that in such a context they could claim legitimacy for themselves and for the transition as a whole if decisions were taken in common. With modern political history rich in 'transitions', and what Lok Raj Baral (1977) has called experimental forms of government (including the *Panchayat* system and the Maoist People's Governments), successful Nepali politicians skilfully

adapt legitimating practices and discourses. Expressed as am sahamati (whole agreement), the practice of consensus in principle means that discussion among political leaders will continue until such a time as they can all be brought into agreement on a decision. Invariably, this means that positions counter to the consensus one are hidden. In the absence of other mechanisms (including, significantly, local elections), 'consensus gives the process its legitimacy', one of our respondents underlined (interview 22.11.2011). At the national level issues related to the peace process, in particular drafting a new constitution, are officially the main items on the agenda of the Constituent Assembly. While at the local level, the All-Party Mechanism focuses on issues of local development including distributing the local government grant and chairing different committees related to resource management.

However, we should not forget that consultation leading to consensus as means both to legitimate decisions and to legitimate rulers has a long tradition in Nepal. In his study on decision-making in village Nepal, Caspar Miller (2000, 167) writes that through such consensus building procedures, a leader's 'thinking can be refined without the loss of face that would come from announcing a decision and then having it submitted to criticism and cross-examination and even rejection.' The practice of consensus building is particularly interesting for our analysis as it shows continuity with 'coping' practices developed during the war, but also how these practices are mobilised in the post-war context in legitimation and de-legitimation strategies. As a local politician explained: 'these days one needs to be a gentleman to deal with situations. Anger does not work, one must smile in all circumstances. […] During the conflict, when the Maoists came, we never showed anger. We tried dealing with them with a smiley face. It is the same today: the process of consensus building' (Interview 15.03.2012). During Nepal's decade long civil war, villagers employed strategies such as smiley-faces in order to manage 'living in-between' the Nepalese state and the Maoist 'People's Governments' (for more on these strategies, see Pettigrew and Adhikari, 2010; Shneiderman and Turin, 2010). In the post-war situation, one might expect that things would be different, that the re-opening of political space would allow for a diversity of oppositional political views. And yet the masks of smiley-faces still have to be maintained.

As we have argued elsewhere, at the local level, consensus produces stability in a post-war context where this is an important political objective (Byrne and Shrestha, 2014; see also Sharrock, 2013b). Further, as Aditya Adhikari (2010) suggests, the one positive aspect of the present local government arrangement is that it has served a 'peace-building' function: 'The involvement of the Maoists in these mechanisms has forced them

to negotiate on specifics with members of other parties in a somewhat reasonable manner'. So the APM serves not only to legitimate decisions, but also as a way to define the space of legitimate politics – and legitimate behaviours therein - at the local level. Simply put, one way of defining what is legitimate is that it is what everyone has agreed on. While this is not the only way of defining legitimacy (we have touched on the issue of ethnic political movements and will elaborate further on patronage below), it can be – and is – used to side line more contentious issues, including key parts of the Maoist political agenda. This was always a tricky political strategy for the Maoists – to perform and legitimate themselves as 'proper' politicians playing by the dominant rules of the game and simultaneously as promoters of an agenda that sought to change these rules (see also Adhikari, 2012; Adhikari, 2014; Byrne and Shrestha, 2014). The resounding defeat of the Maoist political parties in the 2013 national Constituent Assembly elections has been taken by many analysts as an indication of the failure of this strategy.

The post-war political landscape embodies a level of suspense, of deferral, of being 'on hold'. Eight years after the signing of the Comprehensive Peace Agreement that ended the war (2006), the institutional frameworks for political contestations, including a new constitution, are still being negotiated. Until such time as an agreement is reached, consensus is the dominant mode of decision-making. While finding and maintaining consensus has been key to producing legitimacy in the post-war context, it also has a significant silencing effect. Consensus pushes contestation and opposition 'outside' of political bodies (to the streets, to underground armed groups, and to other ostensibly non-political institutions in which political battles are fought by proxy). In Nepal, consensus does not mean that debate is stifled. Rather it can go on for days and weeks, with positions loudly and vigorously defended. Significant contestation of the prevailing order still takes place, particularly in regions of the country where different ethnic groups are demanding a recognised space within the future federal constitutional dispensation. Issues of social inequality put on the national agenda by the Maoist struggle have not been entirely removed, but they are largely neglected by the wide political mainstream.

But consensus requires that in the end – in order to reach a decision - everyone must come to an agreement. The many voices of lively political debate have to sing in harmony. This means that either everyone becomes convinced of the consensus position, or that some people remain unconvinced but eventually silence their opposition. The opposition position is thus hidden. There is no clear procedure for arriving at consensus, and power relations inevitably come into play – both in silencing opposition and in postponing decisions by refusing to reach a consensus (for a more thorough

analysis of the process of reaching consensus, please refer to Byrne and Shrestha, 2014). The critique of consensus as a political decision-making and legitimating practice is eloquently voiced by commentator CK Lal. Lal writes that 'unlike competitive politics conducted according to the rules of the game, the spirit of fair play, and acceptance of people's verdict in a sporting manner, the process of consensus is ill-defined. Nobody really knows how to arrive at unanimity over issues that are inherently conflict-ridden' (2013). Lal rightly points out that consensus tends to temporarily hide, rather than resolve, contentious issues. Given Nepal's political history (particularly the three decades of 'partyless' rule), it is perhaps not surprising that a political culture in which opposition is cut off in favour of an all-encompassing single political vision (whether termed consensus or otherwise) sounds alarm bells. As a local political leader told us: 'the All Party Mechanism is just a plaything, a way to engage people in something, to divert their attention, to make them happy. I am talking about the system which, in my opinion, is not good' (Interview 10.03.2012a).

Consensus in post-war Nepal provides a register for claiming legitimacy in a context where no political actor has clear authority, but it also functions to assist in the deferral of addressing more fundamental issues. Consensus operates this function in conflict with some registers for claiming legitimacy (such as a social change agenda) and in cooperation other registers (particularly patronage, as we will describe below). It allows the day-to-day decisions of government to be taken (by legitimating the process through which they are taken), while also postponing decisions on more fundamental issues until such time as all the major parties can be brought into agreement. The prioritisation of agreement above all has played a significant role in the legitimation of the peace process. However, this agreement can also be used to sideline both contentious issues and issues that politicians do not want to address, as shown by recent debates about amnesty provisions in the Truth and Reconciliation bill.

Majoritarian rule and 'politics without ethnicity'

Post-war democratic politics in Sri Lanka is similarly infused with its recent past of excessive political contestation. As is the case in Nepal, this renders some political registers out of bounds – notably those associated with the grievances at the heart of the conflict. The political space for ethnic minority rights remains highly constrained in Sri Lanka (Goodhand, 2013; Wickramasinghe, 2014). The way this silencing effect becomes manifest, however, is quite different from Nepal.

Sri Lanka too maintains a shell of all-party mechanisms for supposed political dialogue. A sequence of bodies was initiated[53], not least to ward off international pressure, but purportedly engaging with questions of state reform and 'reconciliation' and 'lessons learnt' from the war. Whilst these mechanisms have raised some relevant statements, it is very clear that none of these initiatives was supposed to step outside the government's comfort zone. Discussions that were seen to threaten the regime were soon curbed. The government insists there is no special ethnic problem, just a problem of development, poverty and associated terms. In his victory speech to parliament, President Mahinda Rajapaksa famously posited that there were no longer any minorities in post-war Sri Lanka, only those who love the country and those who don't (for discussion see: Jazeel and Ruwanpura, 2009). In similar vein, the government sees no reason to have a privileged dialogue with the Tamil (or Muslim) minority leadership. Rather, it requested the all party mechanisms to reach consensus amongst themselves before engaging with the government, which effectively surrenders the minority cause to the lowest common denominator. What is presented as broad-based dialogue and democratic debate in pursuit of consensus, in effect enables the government to avoid taking a stance on the ethno-political question. In the words of a Colombo-based activist-analyst: 'The government strategy is to drown everything by saying we have to talk about everything with everybody, thus negating the minority issue, assuring no progress is made, keeping up a façade of a domestic process and avoiding having to take position itself. They evade their responsibility and preserve a stalemate.' (Interview 16.08.2012)

If anything, these all-party mechanisms are thus best understood as a denial of the ethnic minority issue masquerading as consensus-seeking. They are a charade of inclusive democracy staged by what is in fact a very majoritarian government with authoritarian reflexes. The moratorium on 'the national question', minority issues and the underlying causes of the war have profound effects on the political dynamic. Interestingly, the island's two main ethnic minority groups, the Tamils and Muslims, have adopted quite different strategies in response to this predicament.[54] Put simply, this results in a bifurcation of minority politics with almost the entire Tamil polity rallying

[53] The main ones in chronological order since 2005 (when Rajapaksa was elected president) are: the All Party Committee (APC), the All Party Representative Committee (APRC) and – after the war – the Lessons Learnt and Reconciliation Committee (LLRC). A Parliamentary Select Committee to address the ethno-political conflict never quite took off, precisely because the main Tamil political party refused to participate in an exercise that would enable the government to pretend there was a legitimate domestic dialogue, while minority concerns were in fact out of bounds.

[54] We focus here on the manoeuvring of ethnic minority (Tamil and Muslim) politicians and voters, as this is most relevant to our argument. Also, this is where our material is strongest. The political dynamics among the country's Sinhala majority are different.

against the government, be it in much more moderate form than before, and almost the entire Muslim polity tacitly joining the government, to partake in 'development'.

The Tamil National Alliance (TNA) – the platform of most Tamil parties – has a long track record of securing the Tamil vote, but during the war it was never clear whether that reflected electoral conviction or the LTTE's efficiency in keeping its subjects in line (or both). After the defeat of the LTTE, a solid majority of Tamils have continued to vote for the TNA during local, provincial and national elections. Expectations about the Tamil leadership being able to address the minority issue were very low though. In the words of a TNA organiser in a northeastern town: 'Elections are an important moment for the Tamil people, but they also realise that elections will not solve the problem. We started as a political struggle [in the 1950s-1970s], then it became an armed struggle [1980s-2009]. That is not possible now. So we continue the political struggle' (Interview 06.09.2013). Voting for the Tamil parties was like a pledge of allegiance, without expecting real political change. The TNA leadership has significantly tempered its rhetoric and its demands. With a secession of the northeast no longer on the cards, the party line is to maximize regional autonomy and minority rights within a united Sri Lanka. While they are able to voice these opinions and generate some international attention for them, they fall on deaf ears with the government.

For the Muslim polity, these sobering outcomes confirm the need to be close to government power. 'It's nice to be in the opposition and speak up against the government,' a leading Muslim politician told us in Colombo. 'The people admire you. But what are you going to do? Why do you give people false hope by making them believe you're going to do something for them?' (Interview 28.04.2010). In the formerly war-torn periphery, people voiced very similar opinions. A politically active school principal in a small town in the east put it simply: 'opposition is pointless' (Interview 01.02.2010). He was extremely critical of the government's neglect of minority rights and the way the state consolidated its victory after the defeat of the LTTE. And yet, he advocated supporting the government. In fact, he considered running as a government candidate. This may seem odd, but after its military victory the Rajapaksa government was winning landslide victories among the majority Sinhalese population and it had skilfully centralised power and neutralised dissent. Muslim leaders opined that sitting in

opposition benches against a political majority, so formidable that it could change the constitution at will, would be an utter waste of time.[55]

The marginalisation of traditional sources of opposition to the government transformed political competition to turf battles within the government. As we have explored elsewhere (Klem, 2014b), elections were no longer about which party would win. Rather, they focused on who would get to be part of this victory; i.e. who would win within the government. Political competition was thus intense, despite the fact that most of the fundamental political questions were excluded from the debate. In order to deliver anything, politicians from peripheral places needed to be opportunistic in their stance and could not afford to be overly principled or obstructive about anything. Unable to construct their legitimacy by providing voice to the discontent and anxiety of their constituencies, which were concerned about their political future in a country shaped by Sinhala triumphalism, politicians thus attempted to tap into government channels of material welfare. They elbowed for electoral support echoing the government mantra of post-war development, unity and progress, but only few of them were able to back up that discourse with tangible material benefits. The legitimate form of political contestation was thus not one of principle issues, political communities, rights and identities (ie. the main political cleavages of the war), but one of patronage. That brings us to our second set of observations.

Patronage – strong-arm politicians return to the periphery

To be clear, politicians were never absent in Sri Lanka. Straight through the war, elections and changes of government continued to take place and political leaders continued to play significant roles in the different communities. However, in the context of the larger onslaught between the Tamil insurgency and the state military, their role was unusually constrained. While patronage politics prevails throughout South Asia, caution must be exercised against over-generalisation. What Chatterjee calls 'political society' has evolved over time, and the way it has done so differed between and within South Asian states. While we accept patronage politics is never a static phenomenon,

[55] The anti-Muslim violence – perpetrated by Sinhala Buddhist front organisations, but supported and connived by parts of the government – that erupted in 2014 may affect the hitherto largely pragmatic political positioning of the Muslim political leaders in the future.

there seems to be something particular about wartime politics. As discussed above, South Asian politicians tend to be ominous figures and benefactors at the same time. They can instigate trouble and unleash thuggery, but they are also vital in providing for material welfare and accessing state patronage (Ruud, 2001; Spencer, 2007). Both of these roles are central to the display of political potency, but both were truncated during the war in Sri Lanka's northeast.

Unlike in many parts of South Asia, politicians were clearly not the most powerful players in the war-torn northeast. The LTTE had strong views about what was acceptable for politicians and what was not and quite a few of those who transgressed these boundaries were killed. Political leaders from all ethnic groups continued to operate in the northeast, but their ability to bend rules, re-direct resources, or intimidate opponents was more limited than usual. The end of the war thus heralded an important change (Klem, 2012a). Politicians made a conspicuous come-back in local communities and their ability to strong arm patronage opened up larger space for crafting legitimacy and 'doing something for the people'.

One of our field sites – a lacklustre village of agricultural labourers that was under LTTE control until 2006 – underwent the first parliamentary elections (April 2010) after the war with a sense of amazement. Local candidates and their organisers visited the village, which was not normally frequented by powerful people. Somewhat to our surprise, many of them were considering to vote for a Sinhala government candidate. Being Tamil speaking Veddahs (Sri Lanka's 'indigenous' population), local wisdom would have it that they would vote for the TNA, but some villagers were prepared to sacrifice their ethnic loyalties for a candidate that was able to deliver material benefits. They were particularly impressed by Susantha Poonchanilama, a strong-arm candidate who hailed from outside the district. One of the village leaders explained: 'We asked him to give current, water, houses, roads, medical facilities, government jobs and told him we would vote for him if that was delivered. He agreed.' Can one believe his promises, we asked. 'Maybe for 50 per cent,' he replied. 'We are poor people. We can only believe.' Moreover, he added, 'all our lives we voted for Tamil politicians, but they did not do anything for our development' (Interview 07.04.2010).

At the same time, the villagers were very concerned about Sinhala domination in the post-war environment. Having crushed the Tamil separatist insurgency, the government was keen to stimulate the influx of Sinhala settlers, give permanent shape to the military presence in the northeast, and lay claims on Buddhist sites (Goodhand, 2010; Klem,

2014a). Moreover, the victory had come at the cost of massive civilian casualties among the Tamil population (and credible allegations of war crimes), which the government was not willing to acknowledge. Ideological affinities and identity politics thus clashed with the imperative of state largesse.

During the war, politicians with the power to deliver would not come to the village. The military embargo on strategic goods impeded welfare in a community that was already very poor to begin with. The arrival of a politician like Poonchanilama who could simply order major infrastructural projects, was thus a new phenomenon in the region. An administrator from the neighbouring town commented on this particular politician: 'He asks the people: what do you want? What do you need? What can I do for you? Like that. So the people say, toilets, wells. Other politicians do the same. But he's a powerful man. People accepted him, Tamils, Muslims and Sinhalese' (Interview 23.04.2010). People said that asphalt simply emerged where he set foot. He impressed people by calling up senior servants to address people's needs on the spot. 'He's like Spiderman to the people', one of our respondents commented (Interview 06.04.2010).

The reason Poonchanilama was able to flex all these political muscles was that he was one of the president's men. More specifically, he was part of a peculiar institution: the Ministry of the Nation Building and Estate Infrastructure Development. The ministry incorporated a whole range of pre-existing development authorities (livelihoods, regional development, poverty relief, training, rehabilitation). President Rajapaksa himself was the cabinet minister heading it, though it was widely known that his brother, 'presidential advisor' Basil Rajapaksa was effectively in charge. The ministry controlled a wide range of development resources across the country, which was divided into zones for this purpose and Poonchanilama was in charge of one of these zones. No one in the region could really tell us how this ministry was organised, where its office was, or what its formal responsibilities were, but everybody seemed to know about its resources and everybody seemed to know Poonchanilama was the man in charge in their area.

Contrary to what the name of the ministry suggested, nation-building had little to do with resolving 'the national question' by addressing inter-ethnic relations, minority rights and state reform. Rather, it was centrally about development. More specifically, it was about centralising development resources and incorporating or sidelining alternative resource channels as a means to consolidate both the military pacification of the northeast and the government's electoral base. For individual politicians to remain relevant, they needed to tap into these channels and inscribe themselves in the larger discursive

cadence of war, victory and development – all under the tutelage of the Rajapaksa administration. When we were summoned by the security detail of Poonchanilama at an election rally – not a setting for a critical interview – they summarized the minister's outlook: 'the president has won the war and gotten rid of the terrorist problem. The people are very happy. Especially the minorities. People are so happy they can't express themselves' (Interview 21.03.2010). Though he clearly meant to suggest the people were ecstatic, there was an ironic truth to what he was saying.

Our evidence thus suggests that clientelism was unusually suppressed in the war-torn northeast and that it made a remarkable comeback after the war. While this is an important observation, it should not be taken as a suggestion that Sri Lankan politics was frozen in time and now goes back to square one. We are not in a position to address this thoroughly, but there may well be substantive changes between pre- and post-war patronage politics. For one thing, it is plausible that the political economy of war has left a legacy of centralisation, involvement of military players, and talk of corruption around military procurement is rampant (see Lindberg and Orjuela, 2011 on the inter-connections between ethnic politics, corruption and war). Some of our respondents voiced concern over these issues, but at the same time many were amazed by the fact that politicians like Poonchanilama were able to broker state largesse at a scale that was unprecedented for them.

Collusion – the flipside of consensus?

In Nepal, as in Sri Lanka, being able to bring the benefits of development to one's constituents is a key ingredient in politicians' claims to legitimacy. The register of resources is an important complement to the register of consensus. While the latter conscribes the sphere of legitimate political behaviour, smoothing or suppressing differences, the former is one of the few registers for political differentiation. For village level politicians, this is about having contacts at the district level, but also sometimes at the national level, with party leaders and with development organisations that can be mobilised to bring various development interventions to the village. An effective 'provider of development/resources' possesses 'source force' (a concept communicated with English words) in addition to good 'afno manche' (our own people: kin or ethnicity) relations. Considerable time is invested in cultivating these relations, particularly for 'first generation' politicians. Significantly, many Maoist politicians at the local level may not come from traditionally powerful and well-connected families. Bringing development is

closely connected to practices of consensus - a common refrain repeated by local politicians is that all parties work together when it comes to development because this is their common aim and more can be achieved by cooperating than by competing. Local Maoist leaders have been keen to impress on us that even during the war they did not block development interventions, though naturally, being the government in place at the time, they taxed them. Whether or not this was indeed the case, the discourse of being all in the same boat (and rowing together) when it comes to development is important.

Using the register of development (understood in terms of resources) can be tricky because on the one hand it is absolutely essential to one's electability to be credited for bringing development. However, on the other hand, the dominance of consensus requires a certain circumspection. A local politician who independently announced funds for drinking water infrastructure faced the censure of the other parties: 'He should have framed his sentence the other way around. Like: my friends will also update you about that amount, they will also tell you that 1.5 million has been allocated for the ward. However, since he didn't include the rest of the parties in his sentence, the other two parties acted against him' (Interview 10.03.2012c). Nevertheless, the prospect of local elections at some point in the future, means that local politicians have to invest in building a distinct profile. This is achieved through ostensibly non-political activities called 'social work'. Indeed, most local politicians first indicated to us that their profession was 'social worker' and it was not unusual for them to list 6-8 different committees they contributed to. One respondent, himself a local political leader, suggested laughingly that people who are unemployed become active in political parties because their lack of employment leaves them time for social work. Being a social worker is perceived to be different from being a political party activist (the former is for the community while the latter is for the party) but the wearing of both hats is not uncommon (see also Ollieuz, 2011; SDSA Team, 2008). As long as there are no elections and consensus is the norm for taking decisions, political profiles and patron/client relations are built up through doing social work. Social work is perceived as a way of getting known and of gaining people's trust. In this way, much political work is done in the guise of social work. So consensus might hide the politics in political spaces, but the demands of politicking ensures that it springs up again in other ostensibly non-political spaces such as the myriad of local institutions established to manage some aspect of local development: school management committees, forest user groups, peace committees, and so on.

While practices of consensus have played an important role in producing stability at the local level, as we have outlined above, they are also strongly critiqued for fostering collusion amongst local leaders to divide the spoils of development. Indeed, the term 'consensual corruption' (Bhattarai, 2010) has been used to highlight the mutually reinforcing nature of the two practices. While patronage has always been a significant part of how politics works in Nepal (Pfaff-Czarnecka, 2008; Ramirez, 2000), thus inter-party collusive element is a more recent phenomenon. A recent study conducted by the Asia Foundation (2012) suggests that the gradual unfolding of collusive tendencies in local governance began under the cover of consensus politics and the general pretext of post-war conditions. Amongst other factors, the report highlights a lack of opposition politics, in which the political parties have found it more to their benefit to collude in the distribution of resources in mutually beneficial ways than to hold each other accountable. In practice, cooperation between political parties is thus associated with 'dividing up the budget' according to their own interests, and it is noted that there is financial incentive for parties to agree quietly on 'who gets what' projects and positions rather than allowing themselves to be subjected to the scrutiny of an electorate (see the examples cited in Carter Centre, 2011a). Indeed, it has been suggested that this is one of the key reasons why local elections have not yet been organised.

Conclusions

Legitimacy inhabits the juncture of morality and power. It is both an embodiment of power and a claim to righteousness. Sidel (1995) and Alagappa (1995), drawing on Weber, explore legitimacy as the justification of rule, pointing out that registers of legitimacy shape the way authority works and tell us something about what rulers think needs to be justified. They thus direct us to the political work vested in making particular forms of authority look legitimate. This observation is in synch with the literature on South Asian politics, which underlines the paradoxical normative associations of politics (Hansen, 2001a, Ruud, 2001, Spencer, 2007). This paradox reminds us that what is presented as normal and legitimate politics is not a register we should take for granted. What is designated as a self-interested political trickery and conversely, what is rendered apolitical, as beyond politics, is also the result of hard political work. Such a move has important implications, because it brackets particular actors, entities, activities and discursive registers, either as a sublime sphere that cannot be questioned (e.g. the

national order of things) or as a sphere that is rendered out of bounds (e.g. threats to that order).

These reflections provide a useful vantage point for exploring the politics of post-war transition. Both our case studies represent the recalibration of (purported) democratic politics in the immediate aftermath of protracted war. Despite the many differences between mid-Western Nepal and Eastern Sri Lanka, two important observations about the larger political effects of this transition on defining the sphere of legitimate politics strike us as very similar. In short, we see a curtailment of 'the political' (the ruling out of certain forms of antagonism) and an intensified 'politics' (elbowing for patronage).

Firstly, both cases show that registers of consensus, unity, and patriotism effectively hide or silence certain forms of contestation. Post-war democracy thus comprises the opening up of certain political spaces, and the closure of others. Those vying for political leadership roles need to be inside the 'democratic stream' to be legitimate, but the way that stream actually works rules out a whole set of issues and interests. We wish to reiterate that these sobering observations should not blind us to the demise of open violence, the increase in mobility and freedoms in everyday life, and the space that is available for certain kinds of representation and dissonance. It is nonetheless important to interrogate the harmonious overtones of Nepal's All Party Mechanisms and to debunk the triumphant, intolerant dominance of the current Sri Lankan government. The dominant discourse in both countries places fundamental limits on the arena in which legitimate contestation is allowed to take place. Yet at the same time, neither Nepal's politics of transitional consensus-seeking nor Sri Lanka's triumphalist erasure of ethnic antagonism is likely to supress or resolve the fundamental political issues for good.

Secondly, post-war politics also heralds the return of politicking. In both cases there are indications that the return of politicians, whose room for manoeuvre had been heavily restricted by LTTE and Maoist rule, brought along South Asia's familiar patterns of elbowing for patronage, the manipulation of public goods, and soaring interference with state institutions. While this provides a stark contrast to naïve interpretations of war to peace transitions, these processes are in fact rather unsurprising when we look at the anthropology of everyday politics in South Asia. After all, the work of Ruud (2001), Spencer (2007; 2008) and others reminds us that the 'dirty' games of outmanoeuvring opponents through all kinds of undignified and illegal practices is widely considered 'normal politics'. If the end of war opens up space for normal politics to re-enter the

scene, competition over state largesse and political interference with the bureaucracy are exactly what one would expect.

These observations resonate with Partha Chatterjee's (2004) work 'political society' in post-colonial states: the long historical process that produced patron-client networks that straddle the boundaries of (il)legality and (in)formality, thus turning people into subjects rather than empowered citizens. Applying this train of thought to the shorter time-frame of the post-war moment conjures up the image of post-war transition as political society in fast forward. In other words, the political networks and tactics that resurfaced after the war could be understood as a polity catching up with a longer historical trajectory of political society against a background of strained civic nationalism. That does not mean that this trajectory is immune to the impacts of war. Plausibly, the evolution of Sri Lankan politics from the 1980s onwards has been affected by the forces of centralisation and the role of the military in the political economy, to name two salient examples. The overall trend fits Chatterjee's political society remarkably well, though. Indeed, Sri Lanka's Rajapaksa government has only narrowed the spaces of citizenship, liberal rights and representation, while the space for politicking and elbowing over patronage is expanding. For politicians, the register of rights and citizenship offers little prospect for enacting their electoral legitimacy, while the register of delivering development and satisfying block votes with infrastructure and livelihoods thrives. The case of Nepal is 'same same, but different'. We see a similar emphasis on the need for material advancement after the war and networks that transcend the official-unofficial, licit-illicit boundary. What is quite different, however, is the level of visible competition and elbowing. The Nepali case brings forward networks of welfare provision that are understood as consensual frameworks for distributing public goods. Consensus functions as collusion, and competition is directed to the backstage. In both cases, however, people are produced as subjects of a constrained polity, rather than as empowered members of a civic nation who voice concern over issues like class inequality and minority rights.

While the immediate political dynamics of electoral outcomes and constitutional reform are important in post-war environments, the more fundamental political effects of transition in these countries seem to lie in what are deemed legitimate or illegitimate ways of going about these immediate issues. In other words, we need to confront the politics of democracy itself: the forms of deliberation and antagonism that are produced as thinkable and acceptable. It is here that the apparently distant conversations of European theorists about the political, the crisis in democracy and post-democracy offer

some useful insights. After all, our observations resonate with these theoretical debates, which also contend that the idea that liberal institutions may produce illiberal outcomes, that democratic politics privilege some political registers over others, that the spectacle of politicking prevails over fundamental concerns, and that consensus can work to exclude and obfuscate political actors and ideas. While we do not aspire to interrogate these debates in any major way or draw any grand conclusions, two issues strike us as important food for thought.

Firstly, the critical interrogation of the harmonious and inclusive overtones of the term consensus by authors like Chantal Mouffe (2005) and Jacques Rancière (1999) provides useful traction on our findings in Nepal and Sri Lanka. The idea that consensus can in fact be a form of exclusion in disguise is remarkably apt to our contexts. There is a fundamental difference, however. Much of the European debate centres on the lacklustre middle-of-the-road European politics of the 1990s (with Blair's third way as a salient example), which was diagnosed as a consensus so bland that a political impetus for antagonism drove voters to the wings of the political spectrum, thus bolstering populist movements with radical rhetoric. The diagnosis in post-war Nepal and Sri Lanka is different: in short, rather than a lack of the political, they have had too much of it. Rather than an end-of-history type of convergence of ideologies leading to a kind of mainstream boredom, the preoccupation with preserving consensus (Nepal) and national unity (Sri Lanka) is driven by a genuine concern not to cause undue disturbance and upset; to constrain the political spectrum so as to avoid rocking the boat. There is a race to the centre (evidenced, for example, by the 2013 Constituent Assembly elections in Nepal), not to the wings, because people have had enough of antagonism. It is here that we see clearly that the post-war condition matters. The history of war and suffering – the excesses of political antagonism, anomalous rule and competing projects of sovereignty – plays crucial role in shaping the sphere of legitimate politics in post-war Nepal and Sri Lanka.

Secondly, while there is indeed something particular about post-war politics – not least because the political work of crafting legitimacy is less sedimented and both more precarious and more coercive – it would be a mistake to diagnose the adverse political effects we observed merely as problems of context. We cannot simply attribute the silencing effects and the rise of corruption to the legacy of violence, the supposed lack of democratic culture, and so on. Rather, it would be prudent to start out with the politics of democracy itself (Harriss et al., 2004), i.e. the fundamental contradictions, fallibilities, power differentials and the (de)legitimizing effects that it brings about, anywhere. The

challenges we identified are clearly not simply a sign of democratic politics gone wrong, but rather a stark display of democracy's inherent adverse potential. These are not unique to countries emerging from war; they are simply more pronounced, more grievous and more visible.

10. Conclusions

This final chapter is an exercise, a metaphorical one, in weaving. It proceeds in three parts. The first part summarises the main threads of the arguments that have been made thus far, particularly in Chapters 6-9. The second part assembles these threads and knots them together at four key points: the power of legitimacy, the power of "making do", the ambivalent shaping of structures and the continuity of change. In the final part of this chapter I offer some closing remarks on next steps and the open-ended nature of this project.

Summary: the threads

Before proceeding further, I would like to summarise the conclusions that have been presented in the preceding chapters (Chapters 6-9). **The sixth chapter** set out to explore the practicalities of consensus-building. This chapter has been published as an article in the journal International Development Planning Review. A *Leitmotiv* of the post-war era, the actual process of reaching a consensus is somewhat unclear. Consensus is key to legitimating decisions from the Constituent Assembly on down (although there have been suggestions recently that the new constitution could be approved by majority vote only). In Kamthola, the VDC in Surkhet where I did part of my fieldwork, consensus is the order of the day for political decision-making. The reason for this was presented as a simple one: *"*we have ample live examples before us that teach us that fighting is not good" (Interview 15.11.2011). Decisions that are reached by consensus are perceived to be legitimate decisions and they can have authority even when technically illegal (such as the various budget re-distributions I outlined). Decisions on selecting leaders for local committees are taken by consensus to ensure that the person selected has full authority, particularly in the case of committees oriented around managing access to public goods like drinking water or forests.

This points to an interesting paradox: all respondents indicated that consensus is a feature of decision making at present due to the lack of local elections – no political leader has been given a mandate - and that an elected local government would be preferable. And yet, when there is an opportunity to have an election, such as in selecting the chairperson of a user committee, random selection is preferred over

election when there is a failure to achieve consensus. In Chapter 6, I suggested that this is because a longer legitimation game is being played and that consensus is being used strategically for this purpose. This seems to be most evident with the local Maoists, who seem to have been less interested in using their numerical domination to push through an election, and more interested in demonstrating cooperation and changing perceptions of the Maoists from people who achieved things at the end of a gun to being "respectable" political actors in the New Nepal. Thus, participation in consensus on short-term political decisions is being strategically used by the local Maoists leaders as part of a longer term political project of changing perceptions and building a wider base of political support. In other words, participating in consensus is part of a legitimation strategy.

In this sense consensus can also be seen as a particular mode of governing transcribing Maoist political action, rendering them political actors amongst others. "Playing by the rules of the game" as a legitimation strategy can be a double-edged sword. Kamthola's Maoist leader's insistence on following the rules also made his participation in some of the consensus based compromises we have been discussing difficult. According to political analyst Aditya Adhikari, from the point of view of the "'mainstream' political parties, a major objective was to 'entrap' the Maoists into the established political culture, the rules of which they assumed the Maoists would be unfamiliar with" (2012: 268). Achieving the transformation from rebel to respectable politician while avoiding overt co-optation by the existing political establishment is a serious and potentially compromising challenge for Maoists across the country, including in Kamthola.

In Kamthola, the process of consensus building has both created a structure in which local politicians are able to work together and a mechanism through which decisions can be legitimated. By consciously setting aside the divisiveness both of the decade long civil conflict and of politics-as-usual, political leaders in Kamthola have been able to get on with the everyday business of government, to the extent that it is considered a model VDC in the district. The ubiquity of consensus certainly hides contentious issues and perhaps maintains a note of falseness in political relations. Our analysis should not neglect the possibility that what might appear as consensus is actually a silencing of opposition maintained by fear, although this seems not to be the case in Kamthola. As I suggested in Chapter 6, consensus both permits the kinds of compromises necessary for everyday decision-making, to "make do", while at the same time potentially compromising those who participate in it.

The seventh chapter also looked at the production of possibility. The editors and co-contributors of a special issue on authority and violence in South Asia are currently reviewing the article this chapter is based on. Rather than decision-making at a more general level analysed in Chapter 6, Chapter 7 explored how local civil servants produce the conditions of possibility for bureaucratic authority. Specifically, I looked at the everyday practices of local civil servants as they attempt to influence the distribution of such public resources as agricultural inputs and local government budgets. Other influential actors contest this influence, whether Maoist People's Governments keen to establish their support (during the war) or local politicians and the resurgent patronage and politicking (post-war, a topic explored in more depth in Chapter 9). In a context I characterise as "ordinary extraordinary" (a theme I returned to in Chapter 8), where the "rules of the game" are in semi-permanent flux and different authority contestants compete, local civil servants employ a form of practice that has been termed "tactical government" (Feldman, 2005b). Expanding the work of Michel de Certeau (1984) to the realm of governmental practice, Ilana Feldman's tactical government is purposefully limited and adapts to changing circumstances rather than engaging in strategic planning. A government cannot function without both its representatives (civil servants) and the public recognising its demands as being authoritative. According to Feldman, tactical government is a form of practice that produces sufficient authority to keep working, to "make do", despite very challenging contexts. In order to examine tactical government more closely, I introduced three distinct forms of practice in Chapter 7. Emerging from my research and building on the work others (Nuijten and Lorenzo, 2009; Williams, 2011), I described "absent presence", persuasion (convincing, leveraging), and "rule talk".

However, in this chapter I also suggested that tactical practice only tells part of the story. Inspired by the work of Sherry Ortner, I argued that it can be insightful to enrich tactical government with an alternative approach to agency (2001; 2006). Ortner conceptualises this alternative as an approach to agency that considers (culturally informed) life projects. Such a suggestion is in line with recent work on everyday lives in situations of protracted violent conflict and insecurity (Korf, 2004; Lubkemann, 2008; Scheper-Hughes, 1992) and on the role of culture in producing civil servants/services (Herzfeld, 1992; Herzfeld, 2005; Nightingale and Ojha, 2013). I argued that reconsidering the examples that my categories of "absent presence", persuasion and "rule talk" are grounded in through this lens allows us to uncover a wealth of additional layers of meaning to these practices. And, furthermore, the meaning of these mundane practices

carried out by local civil servants also highlights cultural aspects of state formation processes.

In the **eighth chapter**, I worked with ideas of ordinary-extraordinary, exceptionality and the implications these have (and do not have) on the production of authority at different scales and over time. The chapter in its article form is currently under review with the journal Development and Change. Its empirical basis is a case study of a contested forest located on the border between Salyan and Rolpa districts. Together with my co-authors (Benedikt Korf and Andrea Nightingale), I argued that while political ruptures such as war and post-war political settlements may unsettle and reshuffle the political terrain, claims to political and resource rights may endure, even if the language and form of the claim is adapted. These claims are embedded within existing political jurisdictions but at the same time, actors at different scales seek to lay claims to property and citizenship rights by working across jurisdictional scales. Such claims are effectuated through both narratives and practice. Conservation is a key example of the former, and use of *ailani* land an example of the latter. While these claims may simply be about "making do" in difficult circumstances, most particularly in relation to maintaining access to forest resources, they also have broader implications.

The cases we described in this chapter show how territorialization practices – the multitude of mundane claims to access and decide about resources - serve to produce state effects, both by being domains wherein authority over forest property and district borders are contested, and also by highlighting the muddy tracts of citizenship claims. These claims are entangled in jurisdiction over land taxation, conservation landscapes, and encroachment of forests that are technically the property of the government. In our analysis, we traced out a series of processes through which "state", "citizen" and "forest" are mutually produced through acts of territorialization. In so doing, we highlighted the relationship between the production of authority and political and natural landscapes. Furthermore, we suggested that the relationship between citizens and state in processes of territorialization is not simply the dialectic of expansion and resistance but is complicated by a series of not always consistent strategies on both sides. Crucially, however, we argued that citizens have their own strategies and this should be integrated into our analyses of territorialization. And perhaps surprisingly, we show how specific bundle of powers governing access to forests (among other things) has been quite stable throughout a period of "permanent transition" (Wydra, 2000) and regular political ruptures.

The **ninth chapter** focuses specifically on legitimation processes, analysing the different and similar registers of legitimacy used by politicians in post-war Nepal and Sri Lanka and the effects of this on political space.[56] The chapter, which has been published as an article in the journal Geoforum, was co-authored with Bart Klem (who was responsible for the evidence related to Sri Lanka). This chapter explores legitimacy as the justification of rule, pointing out that registers of legitimacy shape the way authority works and tell us something about what rulers think needs to be justified. They thus direct us to the political work vested in making particular forms of authority look legitimate. Both our case studies represent the recalibration of (purported) democratic politics in the immediate aftermath of protracted war. Despite the many differences between mid-Western Nepal and Eastern Sri Lanka, in Chapter 9 we identified two important similarities in the political effects of this transition on defining the sphere of legitimate politics. We argue that these similarities relate to a curtailment of "the political" (the ruling out of certain forms of antagonism) and an intensification of "politics" (elbowing for patronage).

With relation to the former, we suggested that both cases show that registers of consensus, unity, and patriotism effectively hide or silence certain forms of contestation. Post-war democracy thus comprises the opening up of certain political spaces, and the closure of others. Those vying for political leadership roles need to be inside the "democratic stream" to be legitimate, but the way that stream actually works rules out a whole set of issues and interests. The dominant discourse in both countries places fundamental limits on the arena in which legitimate contestation is allowed to take place. Yet at the same time, neither Nepal's politics of transitional consensus-seeking nor Sri Lanka's triumphalist erasure of ethnic antagonism is likely to supress or resolve the fundamental political issues for good.

Secondly, we noted that post-war politics also heralds the return of politicking. In both cases there are indications that the return of politicians, whose room for manoeuvre had been heavily restricted by LTTE and Maoist rule, brought familiar patterns of elbowing

[56] I use the word "register" in its musical sense, which refers to the range of a particular melody, instrument or group of instruments. A higher register means a higher pitch. Thus, for example, a violin plays in a higher register than a cello. The choice of register affects the sound produced and, by extension, also the effect on the audience. When I use register as a metaphor for politics, I mean to suggest a selection of the range of political "notes" available. Thus the register of legitimation covers a different range of political "notes" (whether discourse or practice) than the register of coercion, for example. However, there can be overlaps, such as with a violin and viola. In later work, I switched to theatrical metaphors (particularly, repertoires, see Chapter 3). This is because I wanted to move on from analysing how the use of different registers such as legitimacy affects the political space, to unpacking how such registers are actually produced. In other words, for analysing processes of legitimation, rather than tracing their effects, I have moved away from "register" and towards "repertoire".

for patronage, the manipulation of public goods, and interference with state institutions. While this provides a stark contrast to naïve interpretations of war to peace transitions, these processes are in fact rather unsurprising when we look at the anthropology of everyday politics in South Asia. If the end of war opens up space for normal politics to re-enter the scene, then we suggest that competition over state largesse and political interference with the bureaucracy are exactly what one would expect.

Assemblage: the knots

"Politically, the fantasy became either one of a relation to hierarchy full of coercion, or of a resistance that somehow escaped beyond hierarchy by critiquing its terms. Theorists overlook the possibility for authoritative relationships to be ones of mutual vulnerability and dependency, where the framework is less that of creation de novo *than the messy, collaborative political work of exchange, constant negotiations, revisions" (Luxon, 2013: 32).*

Bringing the four chapters (6-9) into dialogue gives some useful insights into the legitimating practices and discourses through which public authority is produced in Nepal's post-war context (one which I have argued is more usefully conceived in terms of a more longstanding "permanent transition"). Exploring the micro-political dynamics of negotiations over the use and distribution of local public resources (in particular forest resources and local government budgets) draws attention to the diverse strategies employed by authority claimants to ensure that they have a role and a voice in decision-making processes. I opened this thesis by asking how the authority to govern is established and maintained. As the insightful quote at the start of this chapter suggests, this is a "messy, collaborative political work of exchange, constant negotiations, revisions" (Luxon, 2013: 32). Its outcomes are always contingent. I focus here on how different possibilities are produced through legitimation and "making do". The photo below is, for me, a powerful representation of legitimation through making do. Licence plates serve as signs that ownership of a vehicle has been legitimated through registration. In this case, the licence plate appears to have gone missing. Some creative person has nevertheless attached a piece of cardboard to the back of the vehicle with the information that would appear on a licence plate. This approximation of a symbol of legitimation is an example of making do.

Photograph 5: Legitimating practice, adapted

Source: Sarah Byrne

The power of legitimacy

Throughout the thesis I have tried to show how authority emerges from contestations over legitimacy. I argue that authority is produced through a process in which the successful employment of legitimating practices and discourses make it possible to enact the ability to take and/or control/influence decisions. In other words, *legitimacy is empowering* (Walker and Zelditch Jr, 1993: 373). Among the most striking observations I made, is the extent to which authority claimants invest in being taken seriously as such.

I argue that the elements of the repertoires of legitimisation create the conditions of possibility for the exercise of governance. While rulers may seek to legitimate their rule, those who are not (yet) rulers (i.e. those who are contenders) focus on legitimating practices and discourses that may create the conditions for them to become rulers. When authority and power relations are contested, legitimating practices and discourses are employed to gain voice, a public presence, determine agendas – in other words, to increase decision-making power. This ability to take & influence decisions in turn is not a representation of authority, but produces it (Sikor and Lund, 2009).

Claiming legitimacy entails making claims about the morality or rightfulness of rule. As Alagappa points out, this is not merely a strategy to perpetuate rule, but also the basis for the self-justification in moral terms that is important to most rulers, even authoritarian ones (1995: 4). They have to establish that it is rightful that they have a say, especially in a case of competition amongst potential authorities. For example, even for the VDC Secretary to maintain some control over the VDC budget requires quite careful negotiations, as I have explained in Chapters 6 & 7. Claiming rightfulness without establishing a basis of possibility will result in being sidelined by other authority claimants. To a certain extent, this is the situation of the Forest Department outlined in Chapter 8: they claim that they control the forest, but as they do not have in place any means to effect this control, decisions happen on the ground without them. Even during the war, a period I have not directly studied, when violence and threats were used to gain control over resources, emphasis was still placed on legitimising this control through, for example, Maoist ideology on the distribution of resources in society.

There is are two further points about legitimacy that I would like to raise here, the first of which has been noted by John Sidel (1995, see also Chapter 9). This point is that we must be attentive also to what is *not* part of the repertoire of legitimation. Sidel suggests: "reading backwards, legitimacy claims specify what exactly, in a given setting, is considered dangerously illegitimate" (1995: 139, see also Chapter 9). For example, as I have argued in Chapters 6 and 9, a focus on consensus hides the continuing importance of political competition (and corruption). Or, as described in Chapter 8, the focus on conservation is an attempt to render illegitimate practices variously termed encroachment or *ailani*. And this itself is rooted in longstanding conflicts between within families.

Secondly, the recourse to legitimating practices and discourses that establish the rightfulness of the actors' having a say is also dependent on how they are situated socially and politically, and on the influence of cultural codes (Nightingale and Ojha, 2013). While my focus in the thesis has mostly been on "contenders", some traditional leaders (for example, former VDC chairpersons) do not need to engage in legitimating practices to the same extent. Their authority is more "sure", and is reinforced by underlying (also socially produced) cultural factors. Thus less political work is required to maintain it. Furthermore, there are certainly ways to secure control over resources other than those that operate in the register of legitimacy, including violence, threat, and various forms of corruption. However, some of these, when understood in context, can also be legitimated. For example, the loyalty and solidarity implied by *aphno manchhe*

(our own people) connections can legitimate what might otherwise appear as patronage. The line between corruption and solidarity is a fine one, and is an issue that appears to become contented in processes of "transition" when the moral consensus underpinning legitimacy is questioned (see Chapter 9).

The power of "making do"

The authority constituted through these processes of legitimation requires constant renewal, thus the legitimating practices have to be continuously reproduced and updated or adapted. In this process, *bricolage* and *débrouillardise* are important skills for authority claimants. This is particularly necessary in a context that has been very changeable and in which much of the institutional setting of local government has been avowedly temporary or experimental (perhaps none more so than the current "transition").

My case is not so much a competition between institutions for authority (in the sense of legal pluralism, for example) but a competition between individual authority claimants (who nevertheless are also linked to institutions such as the public administration or political parties). And this in a context where several of the relevant institutions' authority is precarious. Thus these claimants compete for authority both within and without existing and (potential) future institutions. They retrospectively define themselves against the legitimacy of what came before (i.e. People's War, *"naya satta vs. purano satta"*), concurrently define themselves against the legitimacy claims of their contemporaries and – anticipatorily - define themselves with respect to what they expect to come (i.e. local elections, federalism).[57]

Authority claimants do not establish a new set of legitimating practices at each turn, but they build upon what was already there – they *bricole*. This can be tricky, as the case of the Maoist politician in Chapter 6 attests- participating in the kind of compromises necessary for the legitimating practice of consensus can also be compromising. In complement to the bricolage of institutions explored by Cleaver (2000) and Douglas (1986), I have argued that we need to understand better not only the bricolage of the

[57] Maoist logic prevalent particularly during the war differentiated between *naya satta* (new power) and *purano satta* (old power), the former denoting the power of the Maoists and the latter the power of the state (Ogura 2008: 175). According to Maoist reasoning, *naya satta* would replace *purano satta*, and to do so would be deployed through various means, both military and political.

institutions themselves, but also the *bricolage* of the legitimation of roles *in* these institutions and in making decisions about resource control more broadly.

While "making do" is often grouped together in lists of the various "weapons of the weak", the specific way *la débrouillardise* it is used by Deborah Reed-Danahay's informants sets it apart and thus makes it useful here (1993). What sets it apart is that it speaks to a more complex system of power: making do is something both "powerful" and "weak" people need to know how to do, and people who do it effectively have a certain power, are empowered. It is not only a power to block action or to resist, as most other "weapons of the weak", but also a power to get things done.

While several of my informants are *débrouillards par excellence*, we should not over-emphasise this skill as some kind of heroic-rational manipulation. In Sherry Ortner's words, the point of this analysis "is not about heroic actors or unique individuals, nor is it about bourgeois strategizing; nor on the other hand is it entirely about routine everyday practices that proceed with little reflection" (2006: 145). I have been interested here in the mundane ways in which regular people – primarily civil servants and local politicians – go about getting their job done and trying to have a say in local decisions. My emphasis on actors and their practices is partly based on my own interest and partly stems from the data I collected. In the examples I have described throughout this thesis, making do produces the possibility both of controlling resources and the authority to do so.

Shaping structures, ambivalent effects

Not only are repertoires of legitimation constantly being developed and adapted, the processes and institutions through which decisions are taken are themselves in a constant process of establishing themselves. I have untangled some of the layers of this in Chapter 2, where I described the context of "permanent transition." Thus the legitimations of both authority claimants and decision-making processes/institutions are engaged in a mutual constitution that remains uncertain and ad-hoc. This mediating role is part of what makes legitimation such a significant social and political process, and so relevant a subject of study. Not only does legitimation mediate controlling resources and the authority to control them, Walker and colleagues suggest that it also mediates action (authority claims) and structure (processes and institutions through which decisions are taken) (2002).

Without entering into a structure-agency debate, I would like to suggest that the perhaps the particular way in which power is legitimated has an effect on shaping the structure of domination. This was already suggested by Max Weber's argument that: "the type of obedience, the kind of administrative staff developed to guarantee it, and the mode of exercising authority will all differ fundamentally depending on the kind of legitimacy claimed" (1968: 213). Many of the legitimating practices I have explored seem ad-hoc in the sense that they are mobilised for a particular purpose as necessary. However, this does not mean that they are without strategic aim, and it does not mean that they are not productive. By legitimating their status as contenders to the struggle over authority, these actors are responding to the situation of "permanent transition" and constant and overlapping temporary forms of governance. But they in turn also affect it. If governance is contingent upon, and emergent from, everyday practices of negotiating and producing forms of order and authority, then the nature of these practices – particularly their legitimation - is effective (Gupta, 1995; Hansen and Stepputat, 2001).

In this sense, by producing the possibility for authority, legitimating repertoires affect the resultant quality and structure of governance. If we return to the game metaphor for social practice (Ortner, 1996), repertoires of legitimation may play the role of what Hetherington and Lee call a "blank figure" (2000). Blank figures are undetermined and can either reinforce or overturn established or expected order. The joker in a game of cards, of the double blank piece in dominos, are two examples of blank figures. In both of these games, suggest Hetherington and Lee, the blank figure "provides a foothold for the conditions of possibility for both stasis […] and change" (2000: 170). I have cited examples of both in the forgoing chapters, and what seems clear is that the eventual outcome is ambivalent – legitimation produces continuity *and* change, rather than either/or.

Continuity and change

A more general point should also be made about continuity and change, beyond the ambivalence of legitimation's effects. The fourth significant knot that emerges from weaving together the various arguments that constitute this thesis is that we would be advised to take a critical approach to discourses that frame "post-war", "transition", even "war" as periods of exceptionality. First of all, it is important to ask who does the framing. As Yogesh Raj points out, any definition of purported exceptionalities like "rupture" has both experiential and political aspects – events are not ruptures in and of themselves

but in interpretation (2013). Whose interpretations dominate? When I first went to Nepal in 2008, ideas of post-war transition were writ large, particularly in development circles, and were connected to a whole international machinery working on disarmament, monitoring Maoist encampments and transitional justice (not to mention the still unfinished task of drafting a new federal constitution). Indeed, one of the things I worked on before starting my PhD was to try to understand the effect the expected re-introduction of elected local governments would have on local political dynamics that had adapted to manage their absence. But when I started to dig deeper, in the frame of my PhD studies, I got quite a different impression. Speaking with elderly people, and reading the political history of earlier decades, a sense of déjà vu was striking. Of course many things have changed, and of course the war was a significant moment of contesting entrenched patterns of organising social and political life. And yet, for people who have lived through the previous decades in Nepal, there was a strong suggestion that this was just another transition, or a continuation of the transition that started in the 1990s and was stalled. Hence my borrowing the concept of "permanent transition" from Harald Wydra (2000). The post-war moment thus needs to be contextualised as part of an ongoing political process, in which people have lived through significant experiences of both fear and hope.

In addition to asking who interprets and whose interpretations count, I think we should also inquire as to what political work these interpretations do. Why the repeated references to "transition" and exceptionality? Here, as I noted already in Chapter 9, Ilana Feldman's work is insightful (2005b). Taking the case of different administrations ruling Gaza, Feldman explores the persistence of government, particularly under conditions that seem untenable. Feldman suggests that government in Gaza under the British Mandate and Egyptian Administration, was kept in a state of abeyance through constant deferral and distraction. This allowed the government to continue to function, while constantly postponing the question of its very legitimacy.

This analysis resonates for the case of Nepal as well. I think at least part of the political work of transition is to impose a continuously extended state of abeyance, of being somewhat "on hold". The new "rules of the game", it is claimed, will become clear "after" – after there is a new constitution, after local government elections are held, etc. While the new rules of the game are debated at length, interim rules – relatively ad-hoc and with minimal accountability or enforcement – prevail. Thus political wrangling takes the place of governance, the agenda of "new Nepal" is stalled and the potential for change inherent in the "open moment" (Lund, 1998) of post/war starts to dissipate.

In closing

During my last visit to Nepal, I had a discussion with a Swiss engineer who had been living and working in Nepal for some 25 years (Interview, 11.03.2013). I asked him about the transformations the context and methods of "development" he had observed over his career. Amongst other stories he related, one in particular stuck with me. He told me that when he had first arrived in Nepal in the 1970s, a friend of his had been working on a PhD about agriculture, specifically about potato production. At that time this friend had said: "Everything about the potato has already been written! Now we just need to do it!"

For a very small country, much has been written about Nepal. In the social sciences alone, influential works of anthropology and economics (common property management) have been based on research conducted in Nepal. Though my interest is local governance and not potatoes (about which I am sure there is still a lot more to be written), this comment resonated with me. For the past two years, while writing up my findings I have simultaneously been trying to put them into action while working as a governance advisor in a major Swiss development organisation. This back and forth – doing it while writing about it - has been a tension-filled but highly productive process that has benefitted my analysis in both fields of work. I see much potential for future work in this direction.

Several of the parts of this thesis have already been published and are available in the public domain (to the extent that being behind a journal paywall is public) and other parts are in production. Eventually the rest of the writing, including the present document will have to be considered "finished": handed in, evaluated, defended and signed off on according to the various procedures defined by the University of Zurich. However, I am not quite comfortable with that way of proceeding. As Douglas Ezzy wrote: "the researcher is never finished exploring, searching, examining and theorising. New depths, complexities, subtleties and uncertainties are continually uncovered. [However,] at some point the researcher must stop exploring and write, fixing her or his interpretations in ink with all the inherent political implications" (2002: 23). Like the authority claims I have detailed throughout these pages, I would like to consider this thesis (which is itself a kind of authority claim) as a work (tapestry) in progress: tentative, emergent and open for dialogue.

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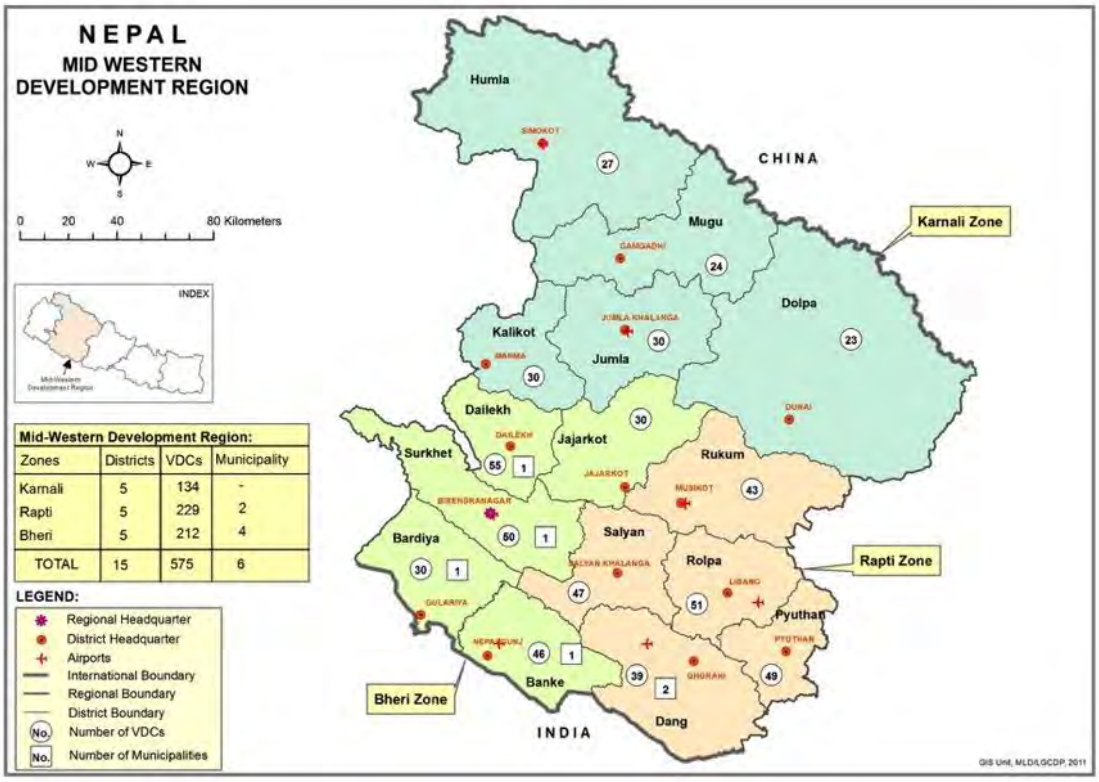
12. Annexes

List of acronyms

APM	All Party Mechanism
ATM	Automated teller machine
BK	Bishokarma (surname)
CA	Constituent Assembly
CFUG	Community Forest User Group
CPA	Comprehensive Peace Agreement
DADO	District Agriculture Development Office
DFO	District Forest Office
KC	Khatri Chhetri (surname)
LFP	Livelihoods and Forestry Programme
LSGA	Local Self Governance Act (1999)
LTTE	Liberation Tigers of Tamil Eelam
NGO	Non-governmental organisation
NSCFP	Nepal Swiss Community Forestry Programme
PR	Public relations
TNA	Tamil National Alliance
USAID	United States Agency for International Development
UNRHCO	United Nations Resident and Humanitarian Coordinator's Office.
VDC	Village Development Committee (local government)

Map of mid-Western Nepal

Illustration 4: Map of mid-Western Nepal



Source: Map Centre of the Local Governance and Community Development Programme (http://lgcdp.gov.np/home/map-center.php)

Published versions of two articles

For copyright reasons, the published versions of two articles from this PhD are not included in the e-dissertation but can be accessed at the links below:

- Byrne, Sarah and Shrestha, Gitta. 2014. "A compromising consensus? Legitimising local government in post-conflict Nepal", *International Development Planning Review*, 36 (4) 435-452. http://dx.doi.org/10.3828/idpr.2014.24
- Byrne, Sarah and Bart Klem. 2015. '"Constructing legitimacy in post-war transition: The return of 'normal' politics in Nepal and Sri Lanka?" *Geoforum* 66 (2015): 224-233. http://dx.doi.org/10.1016/j.geoforum.2014.10.002